

April 2, 2014

Ontario Energy Board
P.O. Box 2319
2300 Yonge Street, 27th Floor
Toronto, ON M4P 1E4

Attention: Kirsten Walli, Board Secretary

Dear Ms. Walli:

Re: Board File EB-2013-0159

We act as counsel for the Canadian Electricity Association (“CEA”) with respect to a motion (the “SEC Motion”) brought by the School Energy Coalition (“SEC”) on February 27, 2014. The SEC Motion seeks to compel the disclosure and reproduction, effectively, of confidential benchmarking data and a report owned by the CEA and entitled “2012 Annual Service Continuity Report on Distribution System Performance in Electrical Utilities” (the “CEA Report”).

We are pleased to advise that the SEC has agreed to withdraw the SEC Motion. SEC’s agreement to withdraw its motion is subject to the following two conditions: (i) that CEA confirms to the Board and SEC that the CEA Report deals with service continuity benchmarking using data provided by individual utilities and presented on an aggregate basis; and (ii) that CEA disclose to the Board and SEC the names of each of the individual Ontario utilities that participated in the CEA Report. Both of these conditions are acceptable to CEA.

With respect to the first condition, we confirm on behalf of CEA that the subject matter of the CEA Report relates exclusively to measuring utilities’ service continuity performance based on various analytical metrics using data contributed by individual utilities and presented on an aggregated basis.

With respect to the second condition, on behalf of CEA, we can advise that the following Ontario utilities participated in the CEA Report: Enersource Hydro Mississauga, Horizon Utilities, Hydro One, Hydro Ottawa, Newmarket-Tay Power Distribution Ltd., Oakville Hydro, Oshawa PUC Networks, Power Stream Inc., St. Thomas Energy, Toronto Hydro, Veridian Connections, and Waterloo North Hydro.

Please be advised that by separate correspondence we are advising the Attorneys General of Canada and Ontario that the Notice of a Constitutional Question, which was served on March 24, 2014 is being withdrawn.

Please address any further correspondence on this matter to the attention of the undersigned.

Yours very truly,

Goodmans LLP



Robert Malcolmson
RZM/pg

Copy: Maureen Helt, Legal Counsel, OEB
Harold Thiessen, Case Manager, OEB
Giovanna Dragic, OEB Staff

TO:

APPLICANT

**Oakville Hydro Electricity
Distribution Inc.**

Rep. and Address for Service

Mary Caputi
Manager
Oakville Hydro Electricity Distribution Inc.
861 Redwood Square
Oakville, ON L6J 5E3
Tel: 905-825-6373
Fax: Not Provided
Email: mcaputi@oakvillehydro.com

Applicant Counsel

James Sidlofsky

Partner
Borden Ladner Gervais LLP
40 King Street West
Suite 4100, Scotia Plaza
Toronto ON M5H 3Y4
Tel: 416-367-6277
Fax: 416-361-2751
Email: jsidlofsky@blg.com

Bruce Bacon

Consultant
Borden Ladner Gervais LLP
40 King Street West
Suite 4100, Scotia Plaza
Toronto ON M5H 3Y4
Tel: 416-367-6087
Fax: 416-3617366
Email: bbacon@blgcanada.com

INTERVENORS

**Association of Major Power
Consumers in Ontario
(AMPCO)**

Shelley Grice

Econalysis Consulting Services
34 King Street East Suite 630
Toronto ON M5C 2X8
Tel: 416-348-0193
Fax: 416-348-0641
Email: shelley.grice@rogers.com

**Energy Probe Research
Foundation**

Randy Aiken

Aiken & Associates
578 McNaughton Ave. W.
Chatham ON N7L 4J6
Tel: 519-351-8624
Fax: 519-351-4331
Email: randy.aiken@sympatico.ca

David MacIntosh

Case Manager
Energy Probe Research Foundation
225 Brunswick Avenue
Toronto ON M5S 2M6
Tel: 416-964-9223 Ext: 235
Fax: 416-964-8239
Email: DavidMacIntosh@nextcity.com

HVAC Coalition

Martin Luymes

Co-ordinator
HVAC Coalition
2800 Skymark Avenue
Building 1, Suite 201
Mississauga ON L4W 5A6
Tel: 905-602-4700 Ext: 235
Fax: 905-602-1197
Email: mluymes@hrai.ca

Jay Shepherd

Jay Shepherd Professional Corporation
2300 Yonge St. Suite 806
P.O. Box 2305
Toronto ON M4P 1E4
Tel: 416-483-3300
Fax: 416-483-3305
Email: jay.shepherd@canadianenergylawyers.com

School Energy Coalition

Wayne McNally

SEC Coordinator
Ontario Public School Boards' Association
439 University Avenue
18th Floor
Toronto ON M5G 1Y8
Tel: 416-340-2540
Fax: 416-340-7571
Email: wmcnally@opsba.org

Mark Rubenstein

Jay Shepherd Professional Corporation
2300 Yonge St. Suite 806
P.O. Box 2305
Toronto ON M4P 1E4
Tel: 416-483-3300
Fax: 416-483-3305
Email: mark.rubenstein@canadianenergylawyers.com

Jay Shepherd

Jay Shepherd Professional Corporation
2300 Yonge St. Suite 806
P.O. Box 2305
Toronto ON M4P 1E4
Tel: 416-483-3300
Fax: 416-483-3305
Email: jay.shepherd@canadianenergylawyers.com

**Vulnerable Energy
Consumers Coalition**

Michael Janigan

Special Counsel
Public Interest Advocacy Centre
ONE Nicholas Street
Suite 1204
Ottawa ON K1N 7B7
Tel: 613-562-4002 Ext: 26
Fax: 613-562-0007
Email: mjanigan@piac.ca

Mark Garner

Project Manager
Econalysis Consulting Services
34 King Street East
Suite 630
Toronto ON M5C 2X8
Tel: 647-408-4501
Fax: 416-348-0641
Email: mgarner@econalysis.ca

Bill Harper

Econalysis Consulting Services

34 King Street East

Suite 630

Toronto ON M5C 2X8

Tel: 416-348 0193

Fax: Not Provided

Email: bharper@econalysis.ca