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**BY COURIER & RESS**

Ms. Kirsten Walli, Board Secretary  
ONTARIO ENERGY BOARD  
2300 Yonge Street, 26<sup>th</sup> Floor, P.O. Box 2319  
TORONTO, ON M4P 1E4

**Re: Board File No. EB-2013-0147**  
**SEC Review and Variance Motion**

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Dear Ms. Walli:

Kitchener-Wilmot Hydro Inc.'s (KWHI) 2014 cost of service electricity distribution rate application was the subject of a Settlement Conference on November 7-8, 2013, following which a partial Settlement Proposal was filed. The Board convened an oral hearing in respect of the outstanding issues on which the parties were not able to reach a settlement. After hearing the testimony of KWHI's witness panel (no evidence was filed by the Intervenor) and receiving submissions on the outstanding issues, the Board issued its Decision and Order on March 20, 2014.

As the Board will be aware, one of the outstanding matters that were the subject of the oral hearing was the question of the appropriate percentage factor to be used in the calculation of KWHI's working capital allowance. In its Decision and Order, the Board determined that its default value of 13% would be used for rate making purposes.

KWHI is in receipt of the Motion filed by the School Energy Coalition ("SEC") in which SEC seeks a review and variance of the Decision and Order with respect to this matter. KWHI trusts that it will have an opportunity to respond to the Motion, including with respect to the threshold question of whether the matter should be reviewed. KWHI wishes to express its concern at this time that it would appear that SEC is simply trying to reargue the case on which it was not successful. SEC does not suggest that there are errors in fact. Similarly, there are no assertions of changes in circumstances; of new facts; or of facts that were not previously placed in evidence in the proceeding that could not have been discovered by reasonable diligence at the time. The Board had all of the relevant information before it, parties made their submissions on

the issue (these submissions included requests by Intervenor for a different percentage factor) and the Board made its determination. KWHI is concerned that this effort by SEC to reargue its case will add to the cost and time needed to conclude this matter and implement its 2014 Rate Order.

The Board has rejected other review motions that amounted to attempts to reargue a case – for example, in its Decision on a review motion in Milton Hydro’s 2014 IRM application (EB-2013-0193); in a motion to review its Natural Gas Electricity Interface Review Decision; and (as supported by the Divisional Court) in Grey Highlands v. Plateau (EB-2011-0053). In its Decision in the Milton motion, the Board quoted from the Divisional Court’s Decision in Grey Highlands v. Plateau in which the Court made the following finding:

*“The Board's decision to reject the request for review was reasonable. There was no error of fact identified in the original decision, and the legal issues raised were simply a re-argument of the legal issues raised in the original hearing.”<sup>1</sup>*

KWHI respectfully submits that SEC has provided no basis for a review of the Decision and Order and requests that the Board reject the motion and any claim by SEC for additional costs in this proceeding.

KWHI’s submission, which has been previously electronically filed through the Board’s web portal, consists of two (2) hard copies.

Respectfully submitted,

*Original Signed by*

Margaret Nanninga, MBA, CGA  
Vice-President Finance

cc: Mr. Keith C. Ritchie, Ontario Energy Board  
Ms. Maureen Helt, Ontario Energy Board  
Mr. James Sidlofsky, BLG  
All Registered Intervenor

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<sup>1</sup> Grey Highlands (Municipality) v. Plateau Wind Inc. [2012] O.J. No. 847 (Div. Court)(“Grey Highlands v. Plateau”) at para 7