From: Ron Tolmie [mailto:tolmie129@rogers.com]
Sent: April-14-14 9:33 AM
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Subject: EB-2013-0321 - Caution

To all intervenors:

Michael Millar, Legal Counsel to the Board has sent me an email that reads in part: "Procedural Order #4 required parties that intended to file evidence in this proceeding to advise the Board of this by March 26, 2014. As the Board did not hear from you (or indeed anyone) it is our assumption that you do not intend to file evidence. This does not, of course, preclude you from asking questions of OPG and making submissions through the hearing process."

In my communications to the Board I had included electronic links to some of the evidence that I intend to submit and had made direct references to other evidence. Although that gave the OPG (and all other parties) the opportunity to review that evidence I did not expect it to satisfy the procedural requirement that the evidence must be tabled in full text form at the appropriate time. Procedural Order #4 states that "Dates for the filing of intervenor evidence (if any), the settlement conference and any other steps that may need to be established, will be communicated at a later date." Having explicitly identified some of the evidence that I planned to submit, I had already advised the Board of my intentions, so in my view there was no need for a redundant notice on March 26.

It appears that all of the intervenors are in the same boat. According to Mr. Millar we can all make arguments at the hearings but we will not be able to submit evidence in support of those arguments. It is basic to the proceedings that all of the parties have access to the evidence if those arguments are to be relevant in the Board's determinations. If Mr. Millar's interpretation is correct then all of the intervenors have forfeited their right to submit evidence. I do not agree with that interpretation and I hope that others will object as well.

Issues

The first sentence in my initial submission, posted by the Board on Nov. 21, 2013, stated: "The Board should direct OPG to rely on storage rather than on generation to meet peak demands for power in Ontario." In my view that is the most significant factor that determines both the capital

costs and the price of power in Ontario so I have reiterated the importance of that basic issue in all of my subsequent communications. The Board staff have tentatively suggested that storage might be considered for OPG's hydro facilities, and that is indeed an important issue (described in a paper presented at NRCan), but not for the other (much larger) sources of power. They have for some unknown reason excluded the consideration of all of the other applications of storage. Over the past eight years I have formally submitted this topic to the various LTEP reviews undertaken by the Energy Ministry. I have also written directly to the Chair of the OPG, posted an article on the subject in the Journal of the Canadian Nuclear Association, and presented several peer-reviewed papers on the subject at international science conferences (some in association with Dr. Marc Rosen, Past President of the Engineering Institute of Canada). I have outlined the potential applications to both the IESO and the OPA (available here). None of these have elicited any responses even though I would suggest that it would be in both the public interest and their corporate interests to adopt such cost-effective measures. There is a need to bring this topic out into the open, and the OEB is the appropriate place to do it because the OEB is the only Ontario regulatory agency that deals with both electricity and thermal energy. (Exergy stores inherently involve both forms of energy.)

Mr. Millar's email states that via a new Procedural Order the Board is seeking "submissions from the parties on (the) proposed issue relating to energy storage." I hope that some of the intervenors will support both the inclusion of the storage issue and my objections to Mr. Millar's interpretation that the evidence from all of the intervenors should be excluded.

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