

**Ontario Energy
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**Commission de l'énergie
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BY E-MAIL

April 21, 2014

Ron Tolmie
Editor
Sustainability-Journal.ca
217 Petrie Lane
Kanata ON K2K 1Z5

Dear Mr. Tolmie:

**Re: Ontario Power Generation Inc.
Board File No. EB-2013-0321**

In its decision dated April 17, 2014, the Board added the following issue to the issues list: *Could the storage of energy improve the efficiency of hydroelectric generating stations?*

In your email dated April 14, 2014, you stated:

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.

Generally speaking, documents or reports prepared by third parties that will not be called as witnesses before the Board are not considered "evidence" in Board proceedings. Generally there are two types of evidence in Board proceedings: direct evidence and expert evidence. Direct evidence is evidence that a witness can speak to from his or her direct experience. Most of the witnesses that OPG will call in the proceeding, for example, will be presenting direct evidence. Most of them will be employees of OPG who will be speaking to their personal knowledge of OPG's

practices and operations. Expert evidence is prepared by a person who has specialized expertise in an area. Usually expert evidence is filed as a report.

Whether seeking to file direct evidence or expert evidence, a party must have a witness who can answer questions about the evidence. For direct evidence, the person must have direct knowledge of the matters with respect to which they are presenting evidence. For expert evidence, the expert that actually prepared the evidence must be available to answer questions.

The documents and reports you wish to rely on as evidence would appear to be in the nature of expert evidence. However, unless the authors of those documents are prepared to appear as witnesses, then the Board will not accept this as evidence.

This does not mean, however, that you are prevented from using these documents in your examination of the storage issue. You will be permitted to present these documents to OPG and ask their witnesses questions about them. OPG's responses to your questions will be evidence, although the documents themselves generally will not be.

Yours truly,

Original signed by

Kirsten Walli
Board Secretary

CC: Parties to EB-2013-0321