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May 16, 2014

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Our File No. 142132

VIA RESS, EMAIL AND COURIER

Ontario Energy Board
2300 Yonge Street
27th Floor
Toronto, Ontario
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Attention: Ms. Kirsten Walli,
Board Secretary

Dear Ms. Walli:

Re: OPA Revenue Requirement Submission; Board File No. EB-2013-0326

I am writing with respect to the Draft Issues List and the necessity for an oral hearing of the OPA submission.

Prior to suggesting an Issues List for this proceeding, BOMA has reviewed the Issues List for the last OPA revenue requirement proceeding (EB-2010-0279), as well as the findings the Board made in that case.

The Board made several findings in that case, including the following:

On pages 10 and 11:

"Adequate performance and efficiency measurement tools and milestones are essential to the Board's determination of whether an applied-for expenditure and revenue requirement for the fiscal year and the fees resulting therefrom are prudent, cost effective and whether the OPA is, in fact, capable of fulfilling the Business Plan approved by the Minister. The Board notes that in its reply argument dated June 6, 2011, the OPA concurs. The OPA also acknowledges that meaningful metrics will produce information that will assist the Board in its review of the expenditure and revenue requirements".

"The Board is of the view that the performance and efficiency metrics and milestones filed in conjunction with this application were of little or no assistance to the Board in its determination of whether the applied-for Net Revenue Requirement, as adjusted, was appropriate, nor whether the OPA is achieving a reasonable standard of effectiveness and efficiency in performing the functions it is mandated to undertake.

Put simply, the metrics proposed by the OPA and presented, presumably in response to the panel's direction in EB-2009-0347 do not measure productivity or efficiency. They record performance, but do not provide any insight with respect to the efficiency or effectiveness with which the OPA is completing its work".

On page 13:

"The Board is of the view that the OPA would be well-served by refining its stakeholder consultation processes to increase transparency and inclusiveness at all stages of program design. The Board is of the view that the OPA should provide evidence of how its processes have evolved in conjunction with its 2012 expenditure and revenue requirements and fees application".

BOMA proposes the following additions to the draft Issues List included in the OPA's submission:

1. Are the OPA's proposed milestones for each of the five divisional goals reasonable, appropriate, and responsive to the Board's findings expressed in its EB-2010-0279, cited above?
2. Are the OPA's proposed performance and efficiency measurement tools, set out at Exhibit C of its evidence, reasonable, appropriate, and responsive to the Board's findings in EB-2010-0279, cited above?
3. Are the OPA's proposed enhancements to its stakeholder consultations, set out in Exhibit B5.1 reasonable, appropriate, and responsive to the Board's findings in EB-2010-0279, cited above?
4. Does the evidence on the conservation division, as set out at B.1.1 adequately address the resource and organizational implications of the Minister's Directive dated March 31, 2014, on the 2015-2020 Conservation First Framework, and the LTEP 2013 CDM Target?
5. Is the allocation of resources among the five goals reasonable and appropriate?
6. Do the tasks outlined in the evidence result in undue duplication of effort between the OPA and the IESO, particularly in the area of demand response and storage, taking into account the Minister's Directives to the OPA dated March 31, 2014, relating to both initiatives?

BOMA respectfully recommends that the Board hold an oral hearing to review the OPA's revenue requirement for several reasons.

First, there has been no Board review of the IESO revenue requirement since EB-2010-0279, held three years ago. The OPA's activities have changed considerably since that time and the program expenditures with which it is entrusted have increased by one hundred percent.

The initial OEB review of the OPA's revenue requirement took place in a public hearing; this proceeding is no less important.

As noted above, while approving the OPA's 2011 revenue requirement, the Board made several findings that required the OPA to modify important aspects of its management, accountability, and its relationship with broader energy community. The OPA has responded to these findings with specific proposals in its submission, and the proposals should be subject to the scrutiny that only an oral hearing can provide.

Yours truly,

FOGLER, RUBINOFF LLP



Thomas Brett
TB/dd