

J. Mark Rodger
T 416.367.6190
F 416.361.7088
mrodger@blg.com

James C. Sidlofsky
T (416) 367-6277
F (416) 361-2751
jsidlofsky@blg.com

Borden Ladner Gervais LLP
Scotia Plaza, 40 King Street W
Toronto, ON, Canada M5H 3Y4
T 416.367.6000
F 416.367.6749
blg.com



September 22, 2014

Delivered by RESS and Courier

Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
2300 Yonge Street
26th Floor, Box 2319
Toronto, ON M4P 1E4

Dear Ms. Walli:

**Re: EB-2014-0002
Horizon Utilities Corporation – Five Year Custom Distribution Rate
Application**

We are counsel to Horizon Utilities Corporation (“Horizon Utilities”) in the above-captioned matter. On Tuesday, September 16, 2014, we wrote to you with a proposed timeline for the filing of any Settlement Proposal in this proceeding; the hearing of submissions in the City of Hamilton’s (the “City’s”) Motion; and the oral hearing on any unsettled matters. On September 17, 2014, the Board issued Procedural Order No.7 (“PO#7”), which provided in part that parties and Board staff are expected to be prepared to make submissions on the City’s Motion on September 30, 2014, the first day of the oral hearing.

The City brought an identical motion in Hydro One’s Custom IR Distribution Rate proceeding (EB-2013-0416). The Board Panel in that proceeding described the requested relief as follows: “The city of Hamilton brought the motion for an order freezing the rates of Hydro One Networks for the street lighting class at the 2014 levels, for a period to be determined by the Board, or in the alternative, an order requiring that the rates for street lighting class, as they may be determined in EB-2013-0416, be interim and be reconsidered and, if necessary, reset following the outcome of the Board’s considerations in EB-2012-0383.”

On September 16, 2014, the Board denied the City’s motion in the Hydro One proceeding, concluding that “The Board will hear and consider Hydro One’s evidence with respect to rates

for the street lighting class, and make its determination giving due regard to the fact that a review of the class allocation methodology for street lighting has been initiated.”

The City’s Motion in the Hydro One proceeding was opposed by (among others) the Vulnerable Energy Consumer Coalition, the School Energy Coalition, and the Consumers Council of Canada, and we anticipate that they will also oppose the City’s Motion in the Horizon Utilities proceeding. As the relief requested, and the City’s grounds for that relief are identical to those requested and rejected in the Hydro One hearing, we respectfully submit that it should not be necessary to reargue this matter in the current proceeding. Doing so will only add to the hearing time in this matter, and to the costs to be borne by ratepayers of Horizon Utilities in preparing for the motion.

Horizon Utilities requests that the Board dismiss the Motion without the need for further submissions.

**Yours very truly,
BORDEN LADNER GERVAIS LLP**

Original signed by J. Mark Rodger

J. Mark Rodger
Incorporated Partner*

*Mark Rodger Professional Corporation

JMR

copy to: John G. Basilio, Horizon Utilities Corporation
 Indy J. Butany-DeSouza, Horizon Utilities Corporation
 Intervenors
 Maureen Helt, OEB
 Christie Clark, OEB

TOR01: 5707593: v5