

November 7, 2014

RESS, EMAIL & COURIER

Ontario Energy Board
2300 Yonge Street
27th Floor
Toronto, Ontario
M4P 1E4

Attention: Ms. K. Walli, Board Secretary

Dear Ms. Walli:

Re: Toronto Hydro-Electric System Limited ("THESL") Custom Incentive Rate Application (EB-2014-0116) - Response to Letter from BOMA

We are counsel to the applicant, THESL, in the above-referenced proceeding and are writing in response to the letter filed by BOMA on November 6, 2014 in connection with the Board's decision in Procedural No. 2 to hold a transcribed Evidence Conference immediately before the Technical Conference on November 17, 2014.

In its letter, BOMA raises concerns with the Board's decision to hold the Evidence Conference and requests that the Board impose certain conditions on the conduct of the Evidence Conference. THESL does not agree that the timing of the Evidence Conference or the Technical Conference should be changed or that THESL's presentation should give rise to further interrogatories. Moreover, THESL does not agree with BOMA's suggestion that the procedure that has been established by the Board in Procedural Order No. 2 is unusual, questionable or open to abuse.

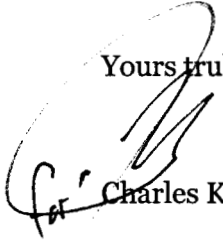
The purpose of the Evidence Conference is to be helpful to the Board, staff and intervenors. No parties will be prejudiced by the Evidence Conference, as parties will be free to ask questions in the Technical Conference immediately following the presentation, as well as in cross-examination at the hearing. The Evidence Conference does not reduce the burden on THESL of proving its case based on evidence filed in the proceeding. THESL further confirms that the presentation at the Evidence Conference will be in the nature of an overview and will not introduce new evidence, modify evidence or constitute argument.

Furthermore, THESL requested that the Board permit this procedural step, and provided its rationale for the request in the cover letter that accompanied the Application and pre-filed evidence on July 31, 2014. No party objected to or raised any concerns in respect of THESL's request prior to the Board issuing Procedural Order No. 2. Moreover, the Board has provided for similar procedural steps in other custom incentive rate proceedings. For example, in EB-2013-0416 the Board enabled Hydro One to provide a transcribed presentation by Hydro One with respect to its application.

THESL also intends to file and serve parties with a copy of its presentation on November 16, 2014, one day in advance of the Evidence Conference.

The Board has discretion over the administration of its process for the hearing of the Application and, as such, the Board has determined in Procedural Order No. 2 that the Evidence Conference will be a useful addition to the process. Respectfully, the concerns raised by BOMA do not warrant changes to this process.

Yours truly,



Charles Keizer

cc: D. Coban, THESL
All Parties