

November 13, 2014

VIA EMAIL TO: boardsec@ontarioenergyboard.ca

ONTARIO ENERGY BOARD
P.O. Box 2319
2300 Young Street, 27th Floor
Toronto, ON
M4P 1E4

FILE NO. EB-2014-0055

Attention: Ms. K. Walli
Board Secretary

Dear Ms. Walli:

**RE: 2015 ELECTRICITY DISTRIBUTION RATE
APPLICATION FOR ALGOMA POWER INC.
("API")
Argument in Chief
Files No. EB-2014-0055
Our File No. 12524-7**

Thank you for your letter of November 12, 2014 and for this opportunity to explain Algoma Coalition's late filing of its submissions.

Mr. Robert Reid, Algoma Coalition's consultant, and I were pleased to attend the oral hearing on October 20, 2014. However, neither of us were provided with the order you mention outlining the specific schedule for submission of final argument. We were left with only our recollection of the brief discussion at the end of the hearing which did not outline specific dates but more general timelines.

I have not personally been copied on any correspondence either from the Board, API, or the other intervenors despite having been present at the hearing and the Technical Conference and introducing myself on both occasions as representing Algoma Coalition. To the extent I was able to review any of the submissions in respect of this matter it was significantly after-the-fact once it was uncovered by Algoma Coalition that I had never received a copy at the outset and one was subsequently forwarded to me.

Moreover, I understand from speaking with Mr. Reid that he did receive all submissions, except those of VECC, but as I mentioned above, he did not receive any information with respect to specific filing requirements or dates in respect of submissions.

While it is possible that Mr. Cassan may have been copied on various correspondence that Mr. Reid and I were not, but he has unfortunately

Wishart
LAW FIRM LLP

390 Bay Street, Suite 500
Sault Ste. Marie, Ontario
Canada P6A 1X2
Tel. 705.949.6700
Fax 705.949.2465

www.wishartlaw.com

excellent solutions.

been out of the office with limited access to email almost every day since the hearing.

As such, we have done our best in the circumstances to prepare and file our submission in as timely a fashion as possible.

Algoma Coalition appreciates that API would like the opportunity to file further reply submissions and we are happy to provide our consent to this request.

Notwithstanding the foregoing, we do not believe that API has suffered any particular prejudice given that we have only taken a contrary position on the RRRP variance, which is but one of the three outstanding issues. Further, our contrary position on the RRRP variance closely mirrors that of Board Staff and is very concise; being limited to just over two generously spaced pages.

With respect to the other two outstanding issues, revenue to cost ratios and fixed/variable splits, our submission simply supports API's position.

In summary, Algoma Coalition was disadvantaged by its representatives not being properly included on all correspondence and did its best in the circumstances to promptly file its submission. We are happy to provide our consent to API's request to have the opportunity to file further reply submissions and do not believe this task should be overly onerous in light of the positions adopted by Algoma Coalition in its submission.

Please do not hesitate to let me know if you have any questions or if I can be of any further assistance in resolving this matter.

Sincerely,

WISHART LAW FIRM LLP



TIM J. HARMAR
Lawyer
Telephone Ext.: 233
Email: tharmar@wishartlaw.com
Assistant: Linda Hurdle
Telephone Ext.: 224
Email: lhurdle@wishartlaw.com
TJH/lh

Wishart
LAW FIRM LLP

390 Bay Street, Suite 500
Sault Ste. Marie, Ontario
Canada P6A 1X2
Tel. 705.949.6700
Fax 705.949.2465

www.wishartlaw.com