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November 19, 2015

**VIA E-MAIL**

Ms. Kirsten Walli  
Board Secretary  
Ontario Energy Board  
P.O. Box 2319  
2300 Yonge St.  
Toronto, ON  
M4P 1E4

Dear Ms. Walli:

Re: EB 2015-0004-Hydro-Ottawa Limited Pole Attachment  
Vulnerable Energy Consumers Coalition (VECC) Response to the Attempted Reply by the Carriers

VECC is in receipt of the purported Reply of the Carriers to the Final Arguments of several of the intervenors including VECC in this proceeding. There was, of course, no provision for the submission of such a Reply in the governing Procedural Order, although the Carriers requested the same in their Final Argument. It is trite to note that it is not up to a party to assert such a right without leave.

Here, despite the fact that all the issues and the evidence concerning the same contained in those final intervenor arguments were canvassed in the course of the proceedings, according to the Carriers, the decision of Hydro Ottawa Limited not to address these issues in Argument in Chief supposedly gives the Carriers another opportunity to make submissions. Such a precedent would give an implicit right of reply to all respondents where another intervenor respondent takes an opposing position on the evidence that also differs from, or is not dealt with in Argument in Chief, by the applicant. A difference between the opposing positions of intervening parties, and that of the applicant utility, of course, is not an uncommon occurrence particularly in the adjudication of issues such as demand side management, or cost allocation and rate design. This attempted reform of the OEB rules by the Carriers is not workable in the context of the current final argument protocol.

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Moreover, having reviewed the Carrier's submission, VECC believes this is simply the assertion of the very old desire of advocates to have the last word. In a case based on application of the right facts and measurements in accordance with previously articulated regulatory principles, the invention of new and unworkable procedural rules in this fashion can hardly improve the credibility of the submissions of the inventing party on the substance of the application. VECC requests that the Carriers' "reply" be struck from the record.

Yours truly,



Michael Janigan  
Counsel for VECC

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All Intervenors

