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BY EMAIL and RESS

March 9, 2016
Our File No. 20150276

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

Attn: Kirsten Walli, Board Secretary

Dear Ms. Walli:

Re: EB-2015-0276 – Union 2014 DSM Clearances – SEC Interrogatories

We are counsel for the School Energy Coalition. We have reviewed the letters from counsel for the Applicant and IGUA of March 3, 7, 8 and 9. We understand from that correspondence that the Applicant plans to file on the public record a new version of the Diamond Report, with proper redactions compliant with the Board's rules, on March 11th.

It was SEC's intention, once we see that new redacted version, to prepare and file interrogatories within a reasonable time based on the corrected evidence. We are hopeful we can do that based on the public version of the document. It is the Board's normal practice to provide for a reasonable time to ask interrogatories on evidence, once it is properly filed, and frankly we assumed that would be the case here. When the report has been filed properly, we would have an opportunity to ask interrogatories.

We were thus surprised to find the Applicant refusing to answer interrogatories from IGUA, and presumably intending to refuse to answer SEC's interrogatories as well.

In our submission, the Board's rules are clear. The Applicant must file a properly redacted copy of evidence they claim is confidential. They did not do so, and two parties have brought this to the Board's attention. SEC also made clear to the Board that we were unable to ask interrogatories until a proper redaction had been done. Parties are entitled to have a public



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version to review, and are entitled to ask their interrogatories on the public record. That is the whole point of the Board's tight control over claims of confidentiality. The Applicant's position appears to be that, if they choose to be non-compliant, they can force parties to ask their questions outside of the public view. This cannot be right.

SEC therefore requests that the Board take the following steps:

- Give parties a reasonable period of time after the new redaction has been filed on March 11th to make submissions with respect to confidentiality of the information still redacted; and
- Once the Board has made a determination on the amount of information to be placed on the public record, give parties a reasonable period of time after that to ask interrogatories with respect to the Diamond Report, whether on the basis of the public version, or on the basis of the confidential version.

We would assume the Board would, at that time, prefer that parties ask their questions on the public version if they are able to do so.

All of which is respectfully submitted.

Yours very truly,

JAY SHEPHERD P. C.

Jay Shepherd

cc: Wayne McNally, SEC (email)
Interested Parties