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April 15, 2016

BY EMAIL & BY COURIER

Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
2300 Yonge St, Suite 2701
Toronto ON M4P 1E4

Dear Ms. Walli:

Board File No. EB-2015-0074
Halton Hills Hydro Inc. --- 2016 COS Rate Application
Energy Probe – Response to Costs Objections of Applicant

Pursuant to the “Dispute of Intervenor Cost Claims” filed by the Applicant on April 11, 2016, in the EB-2015-0074 proceeding, Energy Probe Research Foundation (Energy Probe) wishes to provide a response to those Cost Objections for consideration of the Board.

In this proceeding, Energy Probe filed 48 Interrogatories to the Applicant on December 10, 2015, some containing multiple parts. Once the Applicant filed Interrogatory Responses to the Interrogatories asked by all parties, Energy Probe reviewed those Responses, making notes in respect of those answers where, as often is the case in a regulatory proceeding, it found that it needed clarifications from the Applicant on some of the Responses in order to be fully prepared to engage in the Settlement Conference beginning on February 1, 2016.

As the Board did not provide for a second round of interrogatories or a Technical Conference in this proceeding, rather than delay settlement discussions by asking clarification questions on the first morning of the Settlement Conference, once an Issues List Decision was rendered Energy Probe provided a list of 13 clarification questions to the Applicant by letter, with copies to all participants, on January 27, 2016.

Energy Probe, as well as several other intervenors, has used this method of providing an applicant prior notice of outstanding questions in a number of other recent proceedings before the Board. Energy Probe has found that applicants generally appeared to appreciate prior notice of any outstanding matters for clarification prior to the start of a Settlement Conference. No other electricity distributor has objected to the practice or filed a Costs Objection in respect of the practice.

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In this proceeding, counsel for the Applicant responded negatively, stating in a letter of January 29, 2016, that Halton Hills Hydro (HHH) would not be providing answers to the clarification questions as they were outside the scope of the Procedural Order. Energy Probe notes that the Procedural Order did not contain any instructions that forbade parties from contacting each other prior to the Settlement Conference taking place.

And while the Settlement Conference commenced without a response from HHH answering any of the clarification questions, at the very least, Halton Hills Hydro was aware of clarifications needed before a complete Settlement Proposal could be filed by the parties.

Energy Probe notes that in its letter to the Applicant of January 27, 2016 it provided an option to HHH:

“Rather than delay the Settlement Conference by posing these Questions on February 1, Energy Probe is providing them to Halton Hills Hydro now so that the Applicant can address them prior to or at the start of the Settlement Conference.”

Since a complete Settlement Proposal was filed with the Board on February 29, 2016, it appears that the clarification questions posed by Energy Probe and the Vulnerable Electricity Consumers Coalition (VECC) assisted in achieving the complete Settlement.

Energy Probe notes that the clarification questions were listed in the Settlement Proposal as “Evidence”:

- Section 1.1, Page 8, Evidence
- Section 1.2, Page 10, Evidence
- Section 2.1, Page 13, Evidence
- Section 3.1, Page 17, Evidence
- Section 3.2, Page 18, Evidence
- Section 3.4, Page 22, Evidence

Therefore, Energy Probe was greatly surprised by the Applicant filing a “Dispute of Intervenor Cost Claims” letter to the Board, objecting to the rather modest Costs filed by Energy Probe in respect of its preparation for the Settlement Conference, especially the 4.6 hours of Mr. Aiken’s time to review interrogatory responses & the preparation of clarification questions listed in the Settlement Proposal as Evidence. The 1.0 hour objected to for Mr. MacIntosh assisting Mr. Aiken and filing the Evidence with the Board and all parties does seem a bit picky.

Should Energy Probe wish to be picky, it could point out that Halton Hills Hydro filed its “Dispute of Intervenor Cost Claims” on April 11, 2016, which was beyond the time set by the Board for filing costs objections and thus was submitted outside the scope of the Decision and Rate Order issued March 24, 2016.

Energy Probe has read the response to the “Dispute of Intervenor Cost Claims” filed on April 14, 2016 by Mr. Janigan and found his response to be exceptionally well presented. Energy Probe has no further comment in respect of his submission.

Accordingly, Energy Probe requests that its cost claim be approved as submitted.

Yours truly,



David S. MacIntosh
Case Manager

- cc. Tracy Rehberg-Rawlingson, Halton Hills Hydro (By email)
- Arthur Skidmore, Halton Hills Hydro (By email)
- David J. Smelsky, Halton Hills Hydro (By email)
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