CASSELS BROCK
LAWYERS

May 13, 2016

By Email, RESS, and Same Day Courier

Ontario Energy Board
2300 Yonge Street
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Attention: Kirsten Walli, Board Secretary
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Dear Sir/Madam:

Re: OEB File: EB-2015-0141 – Motion by the Carriers for Review and Variance of Decision EB-2013-0416/EB-2014-0247

Pursuant to the OEB's Procedural Order No. 9 ("**PO 9**") in this proceeding dated May 4, 2016, the Carriers' motion for an Order requiring Hydro One Networks Inc. ("**HONI**") to provide supplementary responses to interrogatories will be heard by the OEB on May 19, 2016 (the "**Motion**").

As the OEB is aware, the Carriers initiated the Motion by Notice of Motion served and filed on April 22, 2016. In the Carriers' Notice of Motion, the Carriers outlined material deficiencies identified in HONI's interrogatory responses served and filed on April 18, 2016 and the reasons that further and better answers to certain interrogatory responses are required for the OEB to determine a just and reasonable Pole Access Charge in this proceeding.

Following the issuance of PO 9 and on May 11, 2016, counsel for the Carriers requested that HONI, OEB Staff and each of the intervenors which have participated in this proceeding (being VECC, SEC, PWU, and CM&E) (the "**Responding Parties**" and each a "**Responding Party**") provide a summary of intended arguments in response to the Carriers' motion, prior to the return of the Motion. The email correspondence from counsel for the Carriers' included the following request:

> "Each of you has had the benefit of the full position of the Carriers with respect to the Carriers' motion. Although the Board's procedural order no.9 contains no explicit requirement that each of you provide a summary of your responding arguments available to the Carriers prior to the argument o (sic) the motion, elemental fairness and natural justice would dictate that that occur. I would like to request that each of you voluntarily provide your position with respect to each deficiency alleged by the Carriers in their motion and the summary of any responding points or arguments which you intend to advance before the Board, by the end of the day, Monday May 16.

> I would ask that you respond as to whether you are prepared to do that voluntarily no later than 3 pm tomorrow, May 12. In the event that some or all of you refuse to comply with our request, the Carriers reserve the right to seek an Order from the Board compelling the delivery of a summary of your arguments in the timeframe requested" [emphasis added.]

In response to the Carriers' request, PWU and VECC indicated that they do not intend to make submissions on the Motion. OEB Staff indicated that they would provide their position on the Motion by end of day Monday (May 16, 2016), at the latest Tuesday morning (May 17, 2016).

HONI responded to the Carriers' request as follows:

> "Having just returned from holidays, and given other commitments, I can (sic) provide any assurances as you have requested. Once I have reviewed the matter in detail and have had an opportunity to consider the issues with my client, I will certainly let you know. I will be in touch, likely on Tuesday."

As of the date of this correspondence, the Carriers have received no response from SEC or CM&E.

As noted in the Carriers' email correspondence to the Responding Parties, although the Board's procedural order no.9 contains no explicit requirement that each of the Responding Parties provide a summary of their responding arguments to the Carriers prior to the return of the Motion, elemental fairness and natural justice would dictate that that occur. On that basis, the Carriers are seeking an order by the OEB that if a Responding Party intends to make submissions on the Motion, that the Responding Party must provide a summary of that Responding Party's intended argument on the Motion by close of business on Monday, May 16, 2016.

The Carriers' appreciate the OEB's consideration of this request.

Yours very truly,

Timothy Pinos
TP/gmc