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BY EMAIL and RESS

August 9, 2016
Our File No. 20150089

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

Attn: Kirsten Walli, Board Secretary

Dear Ms. Walli:

Re: EB-2015-0089 – Milton Hydro Rates – Non-Compliance with Decision

We are counsel for the School Energy Coalition. We have received the letter from counsel for the Applicant in this matter, dated today, advising the Board that they do not intend to comply with the Board's order of July 28, 2016 because they plan to file a motion for review and seek a stay under Rule 40.04.

SEC will oppose the request for a stay. Given the small amount of the net increase ordered by the Board in this proceeding, there does not appear to be any prejudice to the Applicant or the ratepayers in proceeding with the rate adjustment at this time. If there is a slightly larger increase as a result of the motion for review (which would seem unlikely, but will await the decision of the appropriate Board panel), it will be easier for everyone if the adjustments are sequential, rather than one large adjustment at some later date. In addition, the Board will make its decision on the threshold issue, and/or the merits, based on more complete information because it will have the DRO details in front of it.

In addition, SEC is concerned that the Applicant, instead of requesting a stay in the order to produce a draft rate order, simply made a unilateral decision not to comply. We believe it is not in the interests of good regulatory discipline to allow utilities to decide whether compliance with Board orders is convenient. If it was important to the Applicant to have the stay, which as noted above is not obviously correct, they could have filed their motion materials earlier, so that the



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Board would be able to make a determination whether their obligation to file a DRO should be deferred. Instead, the Applicant appears to be of the view that it is entitled to a stay as of right. That is not the Board's rule or practice. The Board has a discretion to order a stay. The Applicant does not make that decision.

SEC believes that the Board should require the Applicant to comply with the Board's order in a timely manner. If the Applicant then wants to seek a stay, so that rates are not adjusted in compliance with the decision, parties can make submissions on that request at that time. SEC is instructed to oppose that request.

All of which is respectfully submitted.

Yours very truly,

JAY SHEPHERD P. C.

Jay Shepherd

cc: Wayne McNally, SEC (email)
Interested Parties