



BY EMAIL and RESS

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2300 Yonge Street
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January 29, 2018
Our File: EB20170335

Attn: Kirsten Walli, Board Secretary

Dear Ms. Walli:

Re: EB-2017-0335 – Anwaatin Inc. Motion to Review and Vary SEC – Submission

We are counsel to the School Energy Coalition (“SEC”). Pursuant to Procedural Order No. 1, these are SEC’s submissions on the motion to review and vary of Anwaatin Inc. (“Anwaatin”) of the Board’s Decision and Order in Hydro One Network Inc.’s (“Hydro One”) 2017-2018 Transmission application in EB-2016-0160 (the “Decision”).¹ SEC’s submissions are limited to the issue of remedy if the Board decides to grant Anwaatin’s motion.

Anwaatin has brought a motion to review and vary the Decision regarding, in its view, a failure of the Board to consider and provide reasons regarding the issues it raised and evidence it filed, with respect to reliability and its impact on various First Nations communities that it represents. If this review panel of the Board does grant the motion, SEC submits the Board should remit the matter back to the original hearing panel to consider the evidence and arguments made by Anwaatin. This review panel should not vary the Decision as it is not in the best position to do so.

Anwaatin’s evidence and argument on Hydro One’s reliability has to be considered within the context of the entirety of the evidence that was heard regarding the Transmission System Plan. Determining the appropriate capital plan is a complex task that involves weighing many factors such as cost, reliability, risk, value, pricing, customer preference and trade-offs with O&M expenses. The hearing panel heard all of the evidence, including 13 days of oral testimony and cross-examination, and is best placed to reconsider the Anwaatin evidence and arguments to render the appropriate decision if the motion to review is granted. Anwaatin’s evidence and requested relief cannot be considered in isolation.

Remitting a matter back to the hearing panel upon a successful motion to review has been done previously. In EB-2014-0155, the Board granted a motion to review of a Kitchener-Wilmot Hydro rates decision and sent the matter back to the hearing panel stating that “[h]aving heard the evidence in question, the original Panel is in the best position to make a finding in accordance with the findings in this Decision.”² More recently, in EB-2017-0320 the Board granted a motion to review

¹ *Decision and Order* (EB-2016-0160 - Hydro One Networks Inc. 2017-18), September 28 2017 (Revised October 11 2017)

² *Decision and Order on Notice of Motion to Review and Vary* (EB-2014-0155, July 31 2014, p.



in the Orillia/Hydro One Inc. MAADs proceeding and remitted the matter back to the original panel for reconsideration as it was "in the best position".³

SEC submits if the Board grants Anwaatin's motion to review, it should send the matter back to the hearing panel for reconsideration.

Yours very truly,
Shepherd Rubenstein P.C.

Original signed by

Mark Rubenstein

cc: Wayne McNally, SEC (by email)
Anwaatin Inc (by email)
Hydro One (by email)
Interested Parties (by email)

³ *Decision and Order* (EB-2017-0320), January 4 2018