



BY EMAIL and RESS

Jay Shepherd
jay@shepherdrubenstein.com
Direct: 416-804-2767

March 26, 2018
Our File No. EB-2017-0306/7

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

Attn: Kirsten Walli, Board Secretary

Dear Ms. Walli:

Re: EB-2017-0306/307 – Enbridge/Union MAADs/Ratesetting

We are counsel for the School Energy Coalition. We are writing to express our concern that the scheduled one day technical conference, plus three days of oral hearing, appears to be insufficient to deal with the evidence in this proceeding. We therefore request that, in the interest of efficiency, the Board add one or more additional days to the technical conference.

Since Procedural Order #3 on March 1st, the Applicants have on Friday filed about 4,000 pages of interrogatory responses. Having gone through about a third of that new evidence over the weekend, SEC has questions that will easily require three hours of technical conference time, even if the witnesses are particularly succinct and responsive. This does not include questions relating to the productivity and stretch factor evidence.

We note that the evidence now shows that the Applicants are seeking approval for a ten year rate regime under which they would collect \$29.6 billion dollars in distribution rates from customers. For our client, the schools, this amounts to more than half a billion dollars. If the recent OPG case was the biggest rate proceeding in Ontario history, this one has now surpassed that mark.

We know that parties will be hard pressed to even read all this new evidence before the technical conference. To the extent that they do, we see no possibility that the parties can reasonably ask even half of their most pressing technical conference questions in one day. In our discussions on the weekend and today with other parties, they are confirming that to us.

Shepherd Rubenstein Professional Corporation | **Regulatory Law**
2200 Yonge Street, Suite 1302 T. (416) 483-3300 F. (416) 483-3305
Toronto, ON M4S 2C6 shepherdrubenstein.com

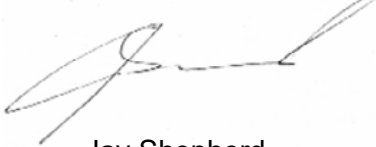
The concern with this combination of a very short time frame to review 4,000 pages, and a single day to ask questions of clarification, is that it effectively moves the rest of the discovery process to the oral hearing. Given that the oral hearing is a less effective place to ask technical and clarification questions (cross-examination being a more time-consuming process than normal questioning), the result may well be that the oral hearing becomes much longer, wasting the time of the Board panel and all of the parties through an inefficient form of discovery. The alternative in that situation would be for the Board to restrict the ability of parties to ask relevant and material questions during the oral hearing, something the Board has not been willing to do in the past.

There is, of course, no guarantee that a case of this magnitude and complexity can be heard by the Board in three days of hearing time anyway. However, at least the ability to do that is enhanced if the most time-consuming questions are asked in a technical conference.

SEC therefore requests that the Board consider adding at least one day, and preferably more than one day (depending on the final time estimates from parties relating to the technical conference) to the technical conference.

All of which is respectfully submitted.

Yours very truly,
JAY SHEPHERD P. C.



Jay Shepherd

cc: Wayne McNally, SEC (email)
Interested Parties