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Ontario Energy Board
2300 Yonge Street
P.O. Box 2319
Suite 2700
Toronto, ON M4P 1E4

**Attention: Ms Kirsten Walli
Board Secretary**

Dear Ms. Walli:

Re: EB-2017-0269 – Newmarket-Tay Power Distribution Ltd. and Midland Power Utility Corporation application under section 86 of the *Ontario Energy Board Act, 1998* and application for other related relief (the “Application”)

Timing of decision

Newmarket-Tay Power Distribution Ltd. and Midland Power Utility Corporation (“**NT Power**” and “**MPUC**” respectively, and together the “**Applicants**”) filed the Application in this proceeding with the Ontario Energy Board (“**OEB**” or the “**Board**”) on July 14, 2017.

The Applicants filed their arguments-in-chief on March 7, 2018. The School Energy Coalition and Board Staff subsequently filed their arguments, and the Applicants filed their respective reply submissions on March 21, 2018.

It has now therefore been over three months since the Applicants filed their reply submissions, and 347 days since the Application was filed. The Board’s *Performance standards for processing applications*¹ state that the performance standard for a section 86 application (written hearing) is 130 days.

The Application was filed with an intended closing date that took into account the 130-day performance standard. As a result, the delay in this proceeding is resulting in uncertainty and a delay in the benefits of the proposed transaction for customers of the Applicants.

In Procedural Order No. 2 dated February 2, 2018 (“**PO 2**”) in this proceeding, the OEB stated at page 2 that it “recognizes that the processing of this application has taken considerably longer than the target metric.” As a result, the OEB stated that it was setting a “prompt schedule for the filing of

¹ Available at <https://www.oeb.ca/industry/applications-oeb/performance-standards-processing-applications>

OEB staff interrogatories”.² Yet at the current time, it is now approaching on a year since the Application was filed.

The Applicants are mindful of the OEB’s statement in PO 2 that “the OEB’s regulatory calendar as a whole can introduce temporary unforeseen pressures on meeting its published timeline objectives.”³ However, the Applicants respectfully submit that the significant uncertainty being caused by the timing of this decision is making it extremely difficult to plan their path forward.

The Applicants therefore request that the Board issue a decision in this proceeding as soon as possible or in the alternative, provide them with an indication of when a decision can be expected.

Please do not hesitate to contact the undersigned if you have any questions in relation to the foregoing.

Sincerely,

Signed in the original

George Vegh

cc. J. Mark Rodger, counsel to Midland Power Utility Corporation

² Page 2, Procedural Order No. 2 dated February 2, 2018, EB-2017-0269.

³ Page 2, Procedural Order No. 2 dated February 2, 2018, EB-2017-0269.