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September 18, 2018

Delivered by Courier

Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
2300 Yonge Street
Suite 2701
Toronto, ON M4P 1E4

Dear Ms. Walli:

Re: Energy+ Inc. 2019 Cost of Service Application
Board File No.: EB-2018-0028
Response to TMMC Letter

We are writing on behalf of our client, Energy+ Inc. (“Energy+”) in response to a letter from counsel to Toyota Motor Manufacturing Canada Inc. (“TMMC”) dated September 17, 2018 filed in response to Procedural Order No. 1 indicating an intent to file expert evidence of Mr. Jeffery C. Pollock and affidavit evidence of Ms. Melody Collis (the “TMMC Letter”).

Energy+ is writing to object to TMMC’s request for an open ended extension of the timelines set out in Procedural Order No. 1 to file intervenor evidence. All parties, including TMMC, have known since July 27, 2018 that intervenor evidence would be due on September 24, 2018. It is reasonable to expect that they would have scheduled their work and time so as to meet this deadline and to minimize further delays in the hearing of Energy+’s application.

In the TMMC Letter, counsel to TMMC asserts:

“TMMC has reviewed the above-noted changes and, earlier today, requested that Energy+ provide the revised cost allocation model (which was not included in the responses), as well as certain related work forms, schedules and other documents underpinning the changes that have been made. TMMC has now received the revised cost allocation model and Energy+ has advised that it is working diligently to provide the other underpinning documents and deliver them to us by Tuesday or Wednesday of this week. Upon receipt of the new documents, Ms. Collis and Mr. Pollock will each consider what changes are required to be made to their respective written evidence.”

Energy+ does not agree with this characterization of the facts and is writing to clarify that:

1. Energy+ filed all of its interrogatory responses on-time in accordance with Procedural Order No. 1 (Attached as Appendix “A” are confirmations of receipt of all relevant documents

from the OEB's RESS, including the revised cost allocation model cited by counsel to TMMC).

2. In addition, prior to filing its IRRs, Energy+ notified counsel to TMMC that certain IRRs would be filed in confidence to the extent they included information similar in nature to the materials the OEB ruled was confidential in its September 14, 2018 Decision on Confidentiality Request. To mitigate against potential delays, Energy+ obtained a signed copy of the OEB's confidentiality undertaking from TMMC counsel and its consultants. This allowed Energy+ to deliver to TMMC counsel copies of all confidential materials included in the IRRs at the same time that Energy+ filed it on RESS.
3. Likely due to an administrative error, some of the materials that were filed by Energy+ on RESS were not posted publically on the OEB's Webdrawer on Friday September 14, 2018. When counsel for TMMC notified counsel to Energy+ of this fact on Monday September 17, 2018, Energy+ promptly contacted both their case administrator and the Board Secretary's office to ensure that materials that were filed on RESS were made available on Webdrawer. In addition, Energy+ emailed the relevant materials directly to counsel to TMMC so as to minimize the effect of any delay in posting on Webdrawer on TMMC.
4. In addition, on Monday September 17, 2018, counsel to TMMC sent a letter to Energy+ seeking clarification on certain matters that were addressed in the Energy+ IRRs (Attached as Appendix "B" - TMMC Clarification Questions).
5. Some of these clarification questions are answered in the materials that Energy+ previously filed but, due to an administrative error, were not yet posted on Webdrawer. Other questions sought to expand upon and add to questions that TMMC had previously asked. While Energy+ had provided full and complete responses to the previous IR questions as written, TMMC now seeks additional information that previously wasn't specified in the original IRs.

In light of the facts as set out above, Energy+ submits that the Board should not grant an open ended extension to the schedule as set out in Procedural Order No. 1. This has the effect of undermining all subsequent dates in Procedural Order No. 1, which is not in the public interest.

Energy+ is committed to continuously engaging with its customers including its largest user, and on this basis is willing to provide responses to the additional TMMC clarification questions by Wednesday, September 19, 2018. However, Energy+ does not believe that this should merit a lengthy extension of the timelines set out in Procedural Order No. 1, which will undermine the subsequent dates in Procedural Order No. 1.

If TMMC is willing to reduce the total number of days that it has to prepare and file interrogatory responses so as to give itself more time to file its initial evidence, Energy+ would be willing to accept such a compromise on the basis that other parties would not be adversely affected and the balance of the dates in Procedural Order No. 1 would not be changed.

Finally, with regards to the proposed evidence of Mr. Pollock, Energy+ expects that TMMC will comply with the requirements of Rule 13A of the OEB's *Rules of Practice and Procedure* as it relates to the filing of expert evidence. This will more efficiently facilitate the parties' exploration

of Mr. Pollock's qualifications and independence. With regards to Rule 13(A)(c), Energy+ would request that TMMC file any and all instructions provided to Mr. Pollock in relation to this proceeding, including any written and a summary of any verbal instructions and related correspondence from TMMC, counsel to TMMC, and any other consultant of TMMC with Mr. Pollock in relation to this proceeding. This would facilitate the parties' review of the request for expert treatment of Mr. Pollock's evidence.

Yours very truly,

BORDEN LADNER GERVAIS LLP

Per:

Original signed by John A. D. Vellone

John A. D. Vellone

cc: Intervenor of record in EB-2018-0028

Appendix “A”
Confirmations of Interrogatory Submission (Case Number: EB-2018-0028)

See attached.

From: [OEB Board Secretary](#)
To: [Sarah Hughes](#)
Subject: Confirmation of Application Submission for Energy Plus Inc., Case Number: EB-2018-0028
Date: September 14, 2018 1:18:24 PM

Thank you for using the Ontario Energy Board's online for submitting your application. Your electronic submission to the Ontario Energy Board has been received. Please consider this email and the e-filing reference number 35772 as your confirmation of receipt.

The following file(s) have been uploaded successfully:

Energy Plus 2019 Responses to Interrogatories EB-2018-0028 Cover Letter.pdf
2019 EnergyPlus ACM Model-IRR.xlsm
2006-2010 Final OPA CDM Results Brant County Power Inc 3-VECC-21 a.xlsm
2019 EnergyPlus Benchmarking-Spreadsheet-Forecast-Model_IRR.xlsx
2019 EnergyPlus Chapter2 Appendices Updated for June 30_18 YTD.xlsx
2019 EnergyPlus Load Forecast Model__3 VECC 19 a.xlsx
2019 EnergyPlus Load Forecast Model__3 VECC 19 c.xlsx
2019 EnergyPlus Load profile model 2006 Hydro One data for 2019_IRR.xlsm
2019 EnergyPlus Proposed Embedded Dist Charge Calculation_IRR.xlsx
2019 EnergyPlus_Cost_Allocation_Model 7 Staff 76 b.xlsm
2019 EnergyPlus_Rev_Reqt_Work_Form_1 Staff 2.xlsm

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From: [OEB Board Secretary](#)
To: [Sarah Hughes](#)
Subject: Confirmation of Application Submission for Energy Plus Inc., Case Number: EB-2018-0028
Date: September 14, 2018 1:32:19 PM

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2019_EnergyPlus_Test_year_Income_Tax_PILs_Workform_V1_4_Staff_74_a.xlsm

2019_DVA_Continuity_Schedule_CoS_20180712 - BCP-9-Staff-96b.xlsb

2019_DVA_Continuity_Schedule_CoS_20180712 - CND-9-Staff-96b.xlsb

2019_DVA_Continuity_Schedule_CoS_20180712 - Consolidate-9-Staff-96b.xlsb

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From: [OEB Board Secretary](#)
To: [Sarah Hughes](#)
Subject: Confirmation of Application Submission for Energy Plus Inc., Case Number: EB-2018-0028
Date: September 14, 2018 1:35:07 PM

Thank you for using the Ontario Energy Board's online for submitting your application. Your electronic submission to the Ontario Energy Board has been received. Please consider this email and the e-filing reference number 35775 as your confirmation of receipt.

The following file(s) have been uploaded successfully:
2019_EnergyPlus_Chapter 2 Appendices_IRR.xlsm
2019_EnergyPlus_Chapter 5 Appendix_IRR.xlsx
2019_EnergyPlus_RTSM_Harmonized-8-Staff-87a.xlsx

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From: [OEB Board Secretary](#)
To: [Sarah Hughes](#)
Subject: Confirmation of Application Submission for Energy Plus Inc., Case Number: EB-2018-0028
Date: September 14, 2018 1:39:01 PM

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2019_RTSM_Workform_20180712-BCP_2017 RRR-8-Staff-87b.xlsm
2019_RTSM_Workform_20180712-BCP-8-Staff-87a.xlsm
2019_RTSM_Workform_20180712-CND_2017 RRR-8-Staff-87b.xlsm
2019_RTSM_Workform_20180712-CND-8-Staff-87a.xlsm
20180516 APPROVED CDM Plan Amendment 4.0 March 2018 REV-V.2.2_IRR.xlsx
Account-1595-Workform-20180718-EnergyPlus-BCP-9-Staff-100b.xlsm
Account-1595-Workform-20180718-EnergyPlus-CND-9-Staff-100b.xlsm
Account-1595-Workform-20180718-EnergyPlus-Consolidated-9-Staff-100a.xlsm

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From: [OEB Board Secretary](#)
To: [Sarah Hughes](#)
Subject: Confirmation of Application Submission for Energy Plus Inc., Case Number: EB-2018-0028
Date: September 14, 2018 1:49:42 PM

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2006-2010 Final OPA CDM Results Brant County Power Inc 3-VECC-21 a.xlsm
2006-2010 Final OPA CDM Results CNDHI 3-VECC-21 a.xlsm
2011-2014 Final Results Report_HC CNDHI 3-VECC-21 b.xlsx
Appendix 2-Staff-15h EnergyPlus Class D Breakdown by Area - 2018 09 06.xlsx
EnergyPlus_2016 Final Verified Annual LDC CDM Program Results_20170630.xlsx
EnergyPlus_2017 Final Verified Annual LDC CDM Program Results_20180629.xlsx
EnergyPlus_2019_Tariff_Schedule_Model-BCP-1-Staff-3.xlsx
EnergyPlus_2019_Tariff_Schedule_Model-CND-1-Staff-3.xlsx

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From: [OEB Board Secretary](#)
To: [Sarah Hughes](#)
Subject: Confirmation of Application Submission for Energy Plus Inc., Case Number: EB-2018-0028
Date: September 14, 2018 1:54:17 PM

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EnergyPlus_BCP_OEB LRAMVA work form v3.52_1 Staff 64.xlsb

EnergyPlus_CND_OEB LRAMVA workform v3.52_1 Staff 64.xlsb

GA-Analysis-Workform - BCP-9-Staff-97a.xlsb

GA-Analysis-Workform - CND-9-Staff-97a.xlsb

GA-Analysis-Workform - Consolidated-9-Staff-97cii.xlsb

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From: [OEB Board Secretary](#)
To: [Sarah Hughes](#)
Subject: Confirmation of Application Submission for Energy Plus Inc., Case Number: EB-2018-0028
Date: September 14, 2018 3:15:45 PM

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The following file(s) have been uploaded successfully:

ENERGYPLUS_IRR_STAFF_20180914.pdf

EB-2018-0028_Energy Plus_Responses_Letters_of_Comment_Sept14_2018.pdf

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From: [OEB Board Secretary](#)
To: [Sarah Hughes](#)
Subject: Confirmation of Application Submission for Energy Plus Inc., Case Number: EB-2018-0028
Date: September 14, 2018 3:19:16 PM

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The following file(s) have been uploaded successfully:

ENERGYPLUS_IRR_BPI_20180914.pdf
ENERGYPLUS_IRR_CCC_20180914.pdf
ENERGYPLUS_IRR_HYDRO ONE_2018_0914.pdf
ENERGYPLUS_IRR_SEC_20180914.pdf

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From: [OEB Board Secretary](#)
To: [Sarah Hughes](#)
Subject: Confirmation of Application Submission for Energy Plus Inc., Case Number: EB-2018-0028
Date: September 14, 2018 3:30:59 PM

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ENERGYPLUS_IRR_VECC-20180914.pdf

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From: [OEB Board Secretary](#)
To: [Sarah Hughes](#)
Subject: Confirmation of Application Submission for Energy Plus Inc., Case Number: EB-2018-0028
Date: September 14, 2018 4:55:29 PM

Thank you for using the Ontario Energy Board's online for submitting your application. Your electronic submission to the Ontario Energy Board has been received. Please consider this email and the e-filing reference number 35787 as your confirmation of receipt.

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ENERGYPLUS_IRR_TMMC_20180914_Redacted Final.pdf

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From: [OEB Board Secretary](#)
To: [Sarah Hughes](#)
Subject: Confirmation of Supporting Document Submission for Energy Plus Inc., Case Number: EB-2018-0028
Date: September 14, 2018 5:42:26 PM

Thank you for using the Ontario Energy Board's online for submitting supporting documentation. Your electronic submission to the Ontario Energy Board has been received. Please consider this email and the e-filing reference number 35789 as your confirmation of receipt.

The following file(s) have been uploaded successfully:
EnergyPlus 2019 Confidential Filing Responses to Interrogatories 2018_09_14.pdf

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**Appendix “B”
TMMC Clarification Questions**

See attached.

Clarification Questions

Toyota Motor Manufacturing Canada Inc. (“TMMC”)

to

Energy+ Inc. (“Energy+”)

EB-2018-0028

September 17, 2018

Clarification TMMC-1

Reference: IR-TMMC-4

Preamble: In the preamble of its response to IR-TMMC-4, Energy+ indicates that it has updated its cost allocation models to incorporate charges to the application made as a result of responding to interrogatories from various parties. One significant change was to update the contract capacity value of the standby tariff for TMMC from 28.8 MW to 26.2 MW. However, no update to the cost allocation model currently appears on the OEB website.

Questions:

1. Provide an update to the cost allocation model (i.e. an update to the original file named "EnergyPlus_2019 Cost_Allocation_Model_20180430") that reflects the changes noted above. Please also provide updates to any other models that have been impacted by the changes noted above, to the extent that these models have not already been provided.
2. Provide the file named "2019_Energy+_Rev_Reqt_Work_Form_1 Staff 2" that is referenced in Energy+'s response to interrogatory 1-Staff-2.
3. Provide the file named "2019 EnergyPlus_Cost_Allocation_Model 7 Staff 76b.xlsm" that is referenced in Energy+'s response to question (b) of interrogatory 7-Staff-76.

Clarification TMMC-2

Reference: IR-TMMC-4, Sub-Question 3

Preamble: In its response to IR-TMMC-4, Sub-Question 3, Energy+ indicates that the quantum of incremental costs allocated to the Large User Class as a result of the adjustments noted in the response to Sub-Question 1 is \$33,385. However, Energy+ then also states that there is no difference in the revenue requirement for rate design purposes for the Large User Class as a result of the Standby Charge proposal. Energy+ references a calculation of the revenue that would be achieved without the Standby tariff; this calculation is based on increasing current rates by the 2019 Energy+ distribution rate increase (of 3.3%).

Energy+ also indicates that the difference in annual charges paid by TMMC between "No Standby and Standby" is \$10,127.

Questions:

1. Provide copies of all associated Excel files and any other calculations that were used to support the statements above and the associated cost figures presented.

Clarification TMMC-3

Topic: Standby Rate Proposal

Reference: IR-TMMC-12

Preamble: In its response to IR-TMMC-12, Sub-Question 4, Energy+ indicates that it is not able to identify the specific asset values and annual depreciation expenses for the assets that are being reserved as the assets are categorized on a pooled asset basis. Therefore the asset values, net book value, and the annual depreciation expense is not specifically available.

In IR-TMMC-12, TMMC specifically requested that estimates of asset values be provided in the event that specific asset values could not be provided because of the use of "group accounting methods". Group accounting is a synonym for pooled asset accounting.

One specific asset referenced in Energy+'s response is capacity at Preston TS on the 230kV-27.6kV transformers.

Questions:

1. Please provide estimates of the asset values, net book value and depreciation expense of the assets noted as specifically requested in TMMC's original IR.
2. Please confirm our understanding that the 230kV-27.6kV transformer is an asset owned by Hydro One and therefore is not part of Energy+'s Rate Base and therefore not part of the costs that will be recovered through Energy+'s distribution tariff.
3. In light of your response to Sub-Question 2 above, please indicate why the reservation of capacity on the transformer noted above is relevant to Energy+'s request to apply for a Standby tariff.

Clarification TMMC-4

Topic: Standby Rate Proposal

Reference: IR-TMMC-15

Preamble: In its response to IR-TMMC-15, Sub-Question 5, Energy+ indicates that it is not able to identify the specific asset values and annual depreciation expenses for the assets that are being used by the Large User Class as the assets are categorized on a pooled asset basis. Therefore the asset values, net book value, and the annual depreciation expense is not specifically available.

In IR-TMMC-15, TMMC specifically requested that estimates of asset values be provided in the event that specific asset values could not be provided because of the use of "group accounting methods". Group accounting is a synonym for pooled asset accounting.

Questions:

1. Please provide estimates of the asset values, net book value and depreciation expense of the assets noted as specifically requested in TMMC's original IR.