



BY EMAIL and RESS

Mark Rubenstein
mark@shepherdrubenstein.com
Dir. 647-483-0113

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

July 30, 2019
Our File: EB20180264

Attn: Kirsten Walli, Board Secretary

Dear Ms. Walli:

Re: EB-2018-0264 – EPCOR South Bruce Rates – Issues List Reply Submission

We are counsel to the School Energy Coalition (“SEC”). Pursuant to Procedural Order No.3, these are SEC’s reply submissions on the Draft Issues List. SEC has had an opportunity to review the draft submissions of the Industrial Gas Users Association (“IGUA”) and agrees with those submissions.

SEC wishes to emphasize one aspect of those submissions, and that is at this stage of the proceeding all that is being determined is the scope of the issues to be *considered*. No party doubts the importance of the CIP process and EPCOR’s proposal within it. It is the key consideration to determining the appropriateness of the revenue requirement and its specific components for the purposes of rate approval and recovery. At the same time, it is trite law that a previous decision cannot *bind* this panel of the Board, and so panel hearing this application needs the flexibility to consider if the revenue requirements and its components are appropriate.¹ The general wording of most of the issues on the Proposed Issues List, which asks if a certain component of the application are “consistent with EPCOR’s CIP proposal and appropriate”, accomplishes this.

Yours very truly,
Shepherd Rubenstein P.C.

Original signed by

Mark Rubenstein

cc: Wayne McNally (by email)
Applicant and interested parties (by email)

¹*Domtar Inc. v. Quebec (Commission d'appel en matière de lésions professionnelles)*, [1993] 2 SCR 756, p.799; *Ontario (Provincial Police) v. Favretto*, [2004] O.J. No. 4248, para 48; *Decision and Order on Motion to Review* (EB-2012-0201 - Veridian), June 14 2012, p. 8; *Procedural Order No. 3* (EB-2013-0321 - OPG), Feb 19 2014, p.11; *Decision and Procedural Order No.3* (EB-2017-0306/307 - EGD/Union MAAD) March 1 2018, p.8