



BY EMAIL and RESS

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September 23, 2019
Our File No. 2019-0018

Ontario Energy Board
2300 Yonge Street
27th Floor
Toronto, Ontario
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Attn: Kirsten Walli, Board Secretary

Dear Ms. Walli:

Re: EB-2019-0018 – Alectra Utilities – MANA Evidence

We are counsel for the School Energy Coalition. We have received the submissions of the Applicant dated September 22, 2019 with respect to the proposed MANA evidence. While it is not SEC's normal practice to comment on procedural issues relating to other parties, in this case we are concerned with some aspects of the Applicant's submissions.

As preliminary comment, SEC notes that we have no more knowledge of what may be in the MANA evidence as the Board and other parties have seen on the public record.

Our concerns with the Applicant's submissions are primarily two-fold.

Restricted Scope. First, the essence of the Alectra submission is that the Board should tightly restrict the ability of a customer of a regulated utility from filing evidence as to the impact of a rate proposal on the customer.

The Applicant proposes to implement these restrictions in two ways: a) limiting the scope of that evidence to the M-factor itself, as if the M-factor exists in a vacuum, and b) preventing the customer from showing through their evidence that other customers, in addition to MANA, will have negative impacts from the Application.

SEC's general view is that it is rarely a waste of the Board's time to hear from a customer affected by rate increases. If that evidence touches on overall rate increases, past and present, that may not be perfect focus, but in our view the Board should err on the side of allowing customers to speak fully about rate impacts. The last thing the Board should be saying to customers concerned enough to come before the Board is "We'll let you speak, but only if you tightly limit what you have to say".

As to including in the MANA evidence the impact on other customers in a similar position, that is exactly what the Board should be hearing. Rather than restricting it, the Board should be encouraging that important scope and context.

Restricted Timing. Second, the Applicant complains that allowing customers to speak will screw up the schedule. It is difficult to know how to respond to that.

The Board will be aware that, typically, when parties other than the Applicant wish to file evidence, that adds 3-6 weeks to the schedule, due to the requirements for evidence preparation and discovery on that evidence. SEC did not read the MANA letter as proposing that the rest of the schedule remain intact, so the complaint by the Applicant that "the evidence would not be received until after the start of the hearing" is really nothing more than a straw man.

The Applicant also complains that delaying the hearing would be "unfair" to the Applicant, in part because MANA has known for a while that it wanted to file evidence. This complaint is equally incorrect. MANA advised the Board in July that it planned to file evidence. The Board's procedural orders did not make provision for MANA's evidence, so MANA quite correctly is seeking the Board's guidance before preparing that evidence. What should it have done? Prepared and filed the evidence in the face of the Board's schedule?

SEC has no vested interest in the MANA evidence, and doesn't know whether it will agree with it, disagree, or some of both. The interests of a large customer like MANA may have some overlap with schools, but may also have significant divergence from the interests of schools.

However, it is in the interests of all customer groups, including SEC, and it is in the Board's interest, for the Board to ensure that customers that want to present their views, concerns, and information to the Board are given a full and complete opportunity to do so. Even if SEC ultimately disagrees with the positions taken by MANA, we believe it is

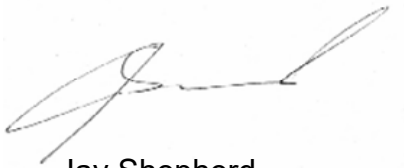
in our interests that they have an opportunity to bring those positions, and the evidence supporting them, to the attention of the Board.

It is therefore submitted that this attempt by the Applicant to limit the customer's voice should be rejected.

All of which is respectfully submitted.

Yours very truly,

SHEPHERD RUBENSTEIN PROFESSIONAL CORPORATION



Jay Shepherd

cc: Wayne McNally, SEC (email)
Interested Parties