

Reply to the Attention of: Mike Richmond
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Our File No.: 267730
Date: September 24, 2019

BY RESS AND COURIER

Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
PO Box 2319
2300 Yonge Street, 27th Floor
Toronto, Ontario M4P 1E4

Dear Ms. Walli,

**Re: OEB File No. EB-2019-0018: Alectra Utilities Corporation (“Alectra”)
Incentive Regulation Mechanism Application for 2020 Electricity
Distribution Rates and Charges
Reply to Alectra’s Response to MANA Intervenor Evidence Request**

We write in response to the letter filed by Mr. Myers on behalf of Alectra on September 22, 2019. Alectra purports to identify three “areas of concern” about MANA’s delivery of evidence. These topics are addressed below.

1. Relevance

MANA’s view was that the relevance of the evidence that it proposed to deliver was both explicit and evident from its September 20, 2019 letter. The various items referred to by MANA will address, among other things:

- Alectra’s customer engagement;
- whether Alectra’s application delivers quantifiable benefits for customers;
- whether Alectra’s application is likely to deliver outcomes which are demonstrated to be of value to customers;
- the outcomes that are expected from the proposed expenses;
- whether Alectra has truly considered total bill impacts in its planning;
- whether the pacing of prioritization of planned work is appropriate; and

- whether Alectra has demonstrated the responsiveness of its expenditure plans to result in stable and reasonable rates for customers.

Ultimately, Alectra's customers - including MANA - will bear the increase in costs proposed in Alectra's application. Alectra is asking the Board to permit it to address the challenges that these increases will pose. MANA anticipates that the evidence it will deliver, if so permitted, will address the negative impact on the ability of Alectra's customers to compete in trade-exposed markets and will provide the Board with information about negative consequences to Alectra's application that outweigh any benefit of the work currently being proposed.

The subject matter of MANA's proposed evidence has not changed through the Interrogatory process because the materials filed by Alectra did not reveal the trade sensitivities of or impacts on MANA or other Alectra customers, nor reveal the preferences of those customers who did not participate in Alectra's survey.

2. **Scope**

Alectra's position on "scope" belies the contents of its application materials. Alectra makes broad statements in its application, including that it has taken into account "the priorities and preferences of all Alectra Utilities customers".¹ Significant parts of Alectra's representations describe the views of selected customers.

Despite its reliance on certain survey reports, Alectra has refused to provide underlying raw data. It has thus effectively taken steps to prohibit MANA, Staff or the Board from performing their own analysis of the information under Alectra's power and control.

It would violate all principles of fairness to allow one participant (Alectra) to file representations about the alleged views and opinions of hundreds of non-intervenor customers, and yet restrict MANA from filing evidence about the views and opinions of non-intervenor customers.

We note that MANA has proposed to limit its position to "between two and four fact-based affidavits, with attachments, from executive-level representatives of Alectra's commercial customers", which should put to rest any concerns about the scope of MANA's proposed evidence.

Ultimately, it will be up to the Board to consider the weight given to any representations, interrogatories or other evidence delivered by a participant. If the Board has any doubts about the relevance of MANA's proposed evidence, respectfully, it should permit the evidence to be filed, and assign it such weight as it deems appropriate in reaching its decisions.

¹ Exhibit 2, Tab 1, Schedule 2, p. 1.

3. Timing

Alectra has raised concerns about the impact of permitting MANA to deliver evidence on the timing of this proceeding.

MANA concedes that it would have been preferable for it to be granted a right to file evidence earlier in these proceedings. Mr. Myers' letter refers to MANA having "been planning the filing of evidence for some time". Indeed, MANA's letter dated July 22, 2019 sought such a right.

Nonetheless, the Board's deferral of this issue should not mean that MANA is prevented from filing evidence or that it is procedurally disadvantaged. MANA wishes to assist the Board with its consideration of Alectra's application and requests sufficient time to compose evidence that will be helpful to the Board.

If the Board feels it necessary, we trust that the Board will adjust its procedural schedule to allow sufficient time for intervenors to gather and prepare their evidence, and for other parties to review and question such evidence. For the record, MANA would have no objection to delaying any part of the current timeline, including the oral hearing, in order to allow for appropriate periods related to intervenor evidence, should the Board think it appropriate.

MANA objects to Alectra's suggestion that intervenor evidence be due by September 30 – a mere 4 business days from today (less if the Board's decision is not rendered today). Alectra had months to prepare its own evidence. As previously indicated, MANA has not yet commenced preparing its evidence, in light of the uncertainty around whether intervenor evidence would be accepted. Considering that the parties in this proceeding have been given 3 weeks and 5 weeks to prepare interrogatories on the IRM and M-Factor respectively, 3 weeks and 4 weeks to prepare responses to interrogatories on the IRM and M-Factor respectively, 2 weeks for each party to prepare arguments in the M-Factor, MANA's request for 3 weeks' to prepare and submit its evidence is not unreasonable.

Following the filing of intervenor evidence, Alectra has asked that the Board provide it with more time for its delivery of interrogatories to MANA (3 business days) than for MANA to respond to those interrogatories (2 business days). This proposed timing is not acceptable to MANA and will not do anything to assist MANA in assisting the Board.

Yours truly,



Mike Richmond