



McCarthy Tétrault LLP
PO Box 48, Suite 5300
Toronto-Dominion Bank Tower
Toronto ON M5K 1E6
Canada
Office Phone
Fax: 416-868-0673

George Vegh
Counsel
Direct Line: (416) 601-7709
Direct Fax: (416) 868-0673
Email: gvegh@mccarthy.ca

Assistant: Thomas, Michelle
Direct Line: (416) 601-8200 x542186
Email: mthomas@mccarthy.ca

March 10, 2021

Via RESS & EMAIL

Ms. Christine E. Long
Board Secretary
Ontario Energy Board
Suite 2700, 2300 Yonge Street
P.O. Box 2319
Toronto, ON M4P 1E4

Dear Ms. Long:

Re: Upper Canada Transmission, Inc.'s ("NextBridge"), EB-2020-0150, Settlement Conferences

On March 8, 2021, the School Energy Coalition ("SEC"), on behalf of certain Intervenors (collectively "Intervenors"),¹ requested that the Board establish an oral hearing, or, in the alternative, additional discovery via a technical conference prior to a written hearing. In significant part, Intervenors premise their request on the following: (1) "[t]he Board has never had to adjudicate a contested single asset transmission utility rate plan application before"; and (2) NextBridge's responses to the Intervenor's interrogatories require follow-up questions via an oral hearing or technical conference.

On the first point, there have been contested single asset rate plan applications in which parties tested the application through interrogatories, and although ultimately settled, the OEB determined that it could review and approve the settlement proposals based on the evidence on the record, which included incentive regulation proposals, without an oral hearing.² Therefore, Intervenors incorrectly premise their request for an oral hearing or technical conference on a claim that the OEB has never adjudicated a contested rate plan application of a single asset transmitter, like NextBridge, without an oral hearing or technical conference.

On the second point, NextBridge timely filed its responses to interrogatories on January 28, 2021. The interrogatories were fully responsive. Prior to SEC's filing, no party raised any concerns with the responses to NextBridge. If any party had a concern with interrogatory responses, their remedy would be to bring a motion under Rule 27.03 of the Board's Rules of Practice and Procedure. No motion was timely filed, as it is now almost a month and a half after NextBridge's

¹ The Vulnerable Energy Consumers Coalition ("VECC"), Consumers Council of Canada, Association of Major Power Consumers in Ontario, Building Owners and Managers Association, and Energy Probe Research Foundation.

² See, Board Decisions and Orders in Niagara Reinforcement Limited Partnership (EB-2018-0275) (OEB Staff was made a party) (April 9, 2020) and B2M Limited Partnership (EB-2019-0178), January 16, 2020 (VECC, Society of United Professionals and Power Workers Union were parties).

submission of interrogatory responses. Instead of acting promptly under the Rules to address any potential concerns, the Intervenor, for the first time, raise this as an issue and seek to have the Board delay this proceeding which already has a sufficient record to proceed to a written hearing.

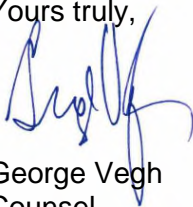
Additionally, SEC seeks an oral hearing based on NextBridge proposing a revenue cap for a term of 9 years and 9 months. Whether NextBridge's proposed revenue cap and term is reasonable and should be adopted is a matter of policy, and not a factual disagreement in need of resolution through an oral hearing or technical conference. Therefore, whether NextBridge's proposed revenue cap and term is reasonable and appropriate for the OEB to adopt as a matter of its practice and policy can be addressed through a written hearing.

With respect to the prudence of NextBridge's forecasted construction costs, discovery has already been had on those costs, and NextBridge responded that nearly 90% of the costs are under contract.³ NextBridge also submitted its latest construction progress report⁴ and at the parties request made its detailed quarterly reports part of the record.⁵ Thus, between the evidence in its Application, the responses to interrogatories, and NextBridge's quarterly reports there is sufficient evidence on the record for the Board, through a written hearing, to determine the prudence of NextBridge's construction costs. There is simply no need to expend the time and resources to conduct an oral hearing or a technical conference that delays this proceeding because Intervenor desire another opportunity to conduct discovery.

NextBridge respectfully submits that Intervenor have not provided a compelling reason why this matter should not go a written hearing and reiterates its request for the Board to schedule one.

All of which is respectfully submitted.

Yours truly,



George Vegh
Counsel

GV/mt

cc. Brian J. Murphy, NextBridge Infrastructure, LP
Jennifer Tidmarsh, NextBridge Infrastructure, LP
Reena Goyal, McCarthy Tetrault LLP
Sam Rogers, McCarthy Tetrault LLP
All Parties in EB-2020-0150

³ Exhibit I Staff 53(b).

⁴ See Exhibit I SEC 9, Attachment.

⁵ See Exhibit I SEC 4 and Exhibit I Staff 55.