



PUBLIC INTEREST ADVOCACY CENTRE
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April 28, 2022

VIA E-MAIL

Ms. Nancy Marconi
Acting Registrar (registrar@oeb.ca)
Ontario Energy Board
Toronto, ON

Dear Ms. Marconi:

**Re: EB-2021-0016 – E.L.K. Energy Inc. May 1, 2022 Cost of Service Rates
E.L.K. Request for Delay to Respond to Interrogatories**

We are in receipt of the letter of April 27, 2022 in which E.L.K. seeks an extension to the filing of interrogatory responses to May 6.

We have no objections per se to the filing extension, though our experience is that the time requested may be less than that needed. We do object to the suggestions as to the consequence of this delay on the timing of the settlement conference.

That conference is currently scheduled to begin May 11. It is clearly not reasonable to allow only two business days (presuming the proposed scheduled change is actually adhered to) for parties to review the interrogatory responses, put forward any follow up questions and develop our positions and strategies prior to the conference. We also note that the Board's Large Utility Filing Requirements working group meets on May 10th further shortening ours (and we believe others) opportunity to prepare for the currently scheduled conference.

Furthermore, the suggested alternative date of May 30 is the week of the Hydro One EB-2021-0110 Technical conference. We had already made known informally to Board Staff that VECC's consultants would be travelling prior to that week and largely unavailable the next. Notwithstanding those concerns the Board has made the week of the May 30th available for Hydro One's proceeding and we are doing our best to accommodate that LDC driven change to the Board's original schedule.

With respect to E.L.K.'s alternative dates - VECC is a party to the Embrun settlement conference that begins May 16th. As already stated, as of May 24th both of VECC's consultants will be in transit and unavailable until the time of the Hydro One conference (the week of the 23rd is also shortened by the holiday).

The earliest week in which we could reasonably participate in a settlement conference is the week of June 6th. However, one of VECC's consultants is out-of-province that week. The week

of June 13th is the settlement conference for the IESO fees case EB-2022-0049 meaning the latter part of the week of the 6th we will also be preparing for that proceeding.

Currently the most feasible alternative settlement conference date for VECC is the week of June 20th.

We understand how seriously the Board takes the metrics it has established to complete proceedings. To assist in that endeavour VECC often works with the LDCs to accommodate changes so as to maintain these metrics as we did in the recent Rideau St. Lawrence proceeding EB-2021-0056. However, in this case, with the Board's busy May schedule already in place, the Applicant should simply have to live with the consequences of its delay.

Yours truly,

A handwritten signature in black ink, appearing to read "M. Garner".

Mark Garner
Consultants for VECC/PIAC

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