

January 27, 2023

**SENT VIA RESS**

Ms. Nancy Marconi  
Registrar  
Ontario Energy Board  
2300 Yonge Street, 27<sup>th</sup> Floor  
Toronto, Ontario M4P 1E4

Dear Ms. Marconi:

**Re: Application of Elexicon Energy Inc. (“Elexicon”) for Approval of 2023 Distribution Rates;  
Brooklin Landowners Group Inc.;**  
**Board Proceeding No.: EB-2022-0024**

We write on behalf of the Brooklin Landowners Group Inc. (“**Brooklin**”) and in response to Procedural Order No. 3 inviting submission from intervenors regarding whether, following conclusion of the Technical Conference, the Ontario Energy Board (“**Board**” or “**OEB**”) should proceed directly to written argument or convene an oral hearing. Our submissions in this regard are confined to Elexicon’s application for approval of an Incremental Capital Module (“**ICM**”) for the Brooklin Line (“**Brooklin ICM**”) and an exemption from the capital contribution requirements of the *Distribution System Code* (“**DSC**”).

Brooklin does not oppose the requests of OEB staff and certain intervenors for an oral hearing. We take this position for three reasons. First, Elexicon’s Application, Brooklin’s Supplementary Responses to Interrogatories and the Brooklin witness’ testimony at the Technical Conference raise important issues of public interest and fairness which may not have been fully canvassed, up until this point. These include (but are not limited to issues related to: (i) whether the choice of the technical solution to serve the community of North Brooklin (a new 27.6kV line, vs. a new transformer vs. using existing 44kV or 13.8kV systems) should be determinative of whether or not a capital contribution is required; (ii) the circumstances in which a distribution line may be considered a “system asset” for rate-making purposes, notwithstanding how it may be characterized under section 3.2.30 of the DSC; and (iii) whether the Brooklin Line is more properly characterized as an electricity transmission line, as opposed to an electricity distribution line.

Second, it appears that questions about Elexicon’s request for approval of the Brooklin ICM and DSC exemption remain. The submissions of Board Staff and counsel for School Energy Coalition are clear on this point. While a further round of interrogatories may address this apparent insufficiency, Brooklin is concerned about the impact of delays of a protracted written process on Elexicon’s ability to deliver service to North Brooklin. An oral hearing, if scheduled expeditiously, should not add materially to the timeline of this proceeding.

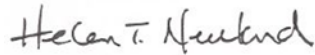
Third, the ability of the Brooklin landowners to develop the community of North Brooklin in furtherance of the housing objectives and mandates of the Province of Ontario, the Region of Durham and the Town of

Whitby, depends upon timely approval of the Brooklin ICM and the DSC exemption. Following almost five years of discussion with Elexicon and its predecessor utility, the innovative regulatory relief proposed by Elexicon represents the only path forward for Brooklin. At this point, it is the sole option on the table, short of the Brooklin landowners assuming the entire \$42 million cost of delivering power to North Brooklin, an extraordinary and unprecedented financial burden. It would be unfortunate if the Board were to deny Elexicon's application simply because it judged the record to be incomplete. In these circumstances, Elexicon and Brooklin should be given the opportunity to complete the record and make their cases, as appropriate.

Finally, Brooklin is of the view that should the Board decide upon an oral hearing, such hearing should be conducted in person, at the offices of the Board at 2300 Yonge Street. In this regard, we adopt and endorse the submissions of counsel for School Energy Coalition in his submission of today's date.

Kind regards,

**Dentons Canada LLP**



Helen T. Newland  
Partner

cc: John Vellone, BLG  
Birgit Armstrong, OEB  
Intervenors to EB-2022-002