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Our File No.: 297778
Date: May 2, 2023

VIA EMAIL AND FILED BY RESS

Nancy Marconi
Registrar
Ontario Energy Board
2300 Yonge Street, Suite 2700
Toronto, ON M4P 1E4

Dear Ms. Marconi

**Re: Entegrus Powerlines Inc. ("Entegrus"), EB-2022-0178
Formet Industries' ("Formet") Comment On Entegrus Letter Dated
April 28, 2023 (the "Entegrus Evidence Submission")**

We write further to the letter filed by Entegrus in the above-noted matter on April 28, 2023 and Formet's preceding Response to the OEB on April 21, 2023.

For the reasons set out below, Formet no longer opposes the filing of further evidence described in categories (i), (ii) and (iii) of the Entegrus Evidence Submission.

With respect to category (i), *Excess capacity of the facilities currently serving the Customer*, Entegrus alleges that it has "evidence" which concerns available capacity. Presumably this is evidence that was not available to Formet at the time that it filed its application. Despite ambiguity regarding the nature of this evidence, Formet agrees that any such evidence should be filed now, if at all.

With respect to category (ii), *Relative costs to the Customer from each distributor*, Entegrus alleges that it was unable to put its own analysis of rate/customer impact information forward and that it has identified "material errors" in Hydro One's calculation. Formet agrees that such calculations should be delivered now and subject to the scrutiny of the parties rather than sought to be improperly admitted at a later time.

With respect to category (iii), *Customer Reliability Impacts*, Entegrus alleges that it has "further enhanced its reliability plan". Formet agrees that it would be beneficial for the parties and the OEB to be aware of any variation in the relief sought by Entegrus prior to the delivery of interrogatories and written argument.

We acknowledge the importance of the OEB controlling its own process with respect to the admission of additional evidence. Nonetheless, in Formet's respectful submission, Entegrus should not be permitted to file the information stipulated in categories (iv) and (v) of the Entegrus Evidence Submission. As outlined in the Entegrus Evidence Submission, Entegrus is asking the OEB to permit it to file "several OEB decisions and directions" in category (iv). In category (v), Entegrus is asking to provide "evidence and explanation" with respect to implications of the St. Thomas Energy/Entegrus MAADs application. In both instances, the information appears to have been available prior to Entegrus filing its application.

Entegrus was well aware of the potential inapplicability of section 6.5.3 of the Distribution System Code at the time that it delivered its application. Indeed, Entegrus' *Application for Service Area Amendment* refers to section 6.5.3 of the DSC. It is not clear that the information proposed to be filed by Entegrus constitutes new evidence.

In addition, comments in the Entegrus Evidence Submission, particularly with respect to categories (i), (iv) and (v), appear to seek an order permitting the delivery of argument rather than evidence. Procedural Order No. 2 provided that written submissions of the parties are to be filed with the OEB and served on all parties after the completion of interrogatories. For this reason, Formet avoided delivering argument about evidence with its evidence delivered on April 17, 2023. In Formet's respectful submission, the time for all parties to provide the OEB with written argument, addressing all matters in issue, is the date fixed by the OEB pursuant to its future procedural orders and after delivery of all written responses to all interrogatories.

Although the Entegrus Evidence Submission provides rationale for the filing of additional evidence, it is still short on the substance of what such evidence says. As a result, should the OEB permit Entegrus to file additional evidence, Formet respectfully requests that the OEB also order a date by which Formet may deliver further evidence solely related to that delivered by Entegrus, should such delivery be necessary.

Yours truly,



Adam D.H. Chisholm