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November 21, 2008

BY EMAIL & BY COURIER

Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
2300 Yonge St, Suite 2701
Toronto ON M4P 1E4

Dear Ms. Walli:

Board File No. EB-2008-0335
PowerStream Inc. & Barrie Hydro Distribution Inc. – Leave to Amalgamate
Interrogatories of Energy Probe and Related Matters

On November 20, 2008, Energy Probe Research Foundation (Energy Probe) received a letter from PowerStream Inc. and Barrie Hydro Distribution Inc. (the Applicants) objecting to the Board granting intervenor status to Energy Probe in the EB-2008-0335 proceeding on the basis that it had ample opportunity to intervene by the date required but failed to do so.

The Applicants went on to muse in respect of the submissions that Energy Probe might offer the Board should the request for intervention be heard by way of motion. Energy Probe submits that in a motion hearing it would have pointed out that:

- (a) in its Letter of Direction, issued October 29, 2008, the Board allowed the Applicants up to 14 days to publish the Notice of Application and Hearing;
- (b) there was no affidavit from the Applicants posted on the Board's website under the file number for this proceeding proving publication date;
- (c) at the time that Energy Probe filed its Notice of Intervention, Procedural Order No. 1 was not posted on the Board's website under the file number for this proceeding;
- (d) at the time Energy Probe filed its Notice of Intervention, it could not reasonably be expected to know that it was beyond the date required for filing; and,
- (e) the Applicants did not object to the Board in respect of another party applying for status as an intervenor in this proceeding beyond the date required for filing.

For those reasons, among others, Energy Probe submits that the Board should disregard the objections of the Applicants to its request for intervenor status.

Energy Probe Research Foundation 225 BRUNSWICK AVE., TORONTO, ONTARIO M5S 2M6

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On November 20, 2008, Energy Probe received a letter from the Board Secretary confirming Energy Probe as an intervenor in this proceeding but requiring it to accept the record of this proceeding as it stands and to comply with the process as determined by the Board and communicated in Procedural Order No. 1.

The Board posted Procedural Order No. 1 the afternoon of November 20, 2008. Energy Probe has reviewed the procedural order and confirms that it accepts the record as it now stands and accepts and will comply with the process described in Procedural Order No. 1.

In keeping with that compliance, please find attached the Interrogatories of Energy Probe in this Matter.

Should you require additional information, please do not hesitate to contact me.

Yours truly,



David S. MacIntosh
Case Manager

cc: Paula W. Conboy, PowerStream Inc. (By email)
Christine E. Long, Borden Ladner Gervais LLP (By email)
Stephen Perry, Barrie Hydro Distribution Inc. (By email)
George Vegh, McCarthy Tetrault LLP (By email)
Randy Aiken, Aiken & Associates (By email)

Ontario Energy Board

IN THE MATTER OF the *Ontario Energy Board Act, 1998*,
S.O. 1998, c.15, Schedule B;

AND IN THE MATTER OF an Application by PowerStream
Inc. and Barrie Hydro Distribution Inc. under section 86 of the
Ontario Energy Board Act, 1998 seeking an order for leave to
amalgamate;

AND IN THE MATTER OF an Application by PowerStream
Inc. and Barrie Hydro Distribution Inc. under section 74 of the
Ontario Energy Board Act, 1998 seeking an order to amend
Power Stream Inc.'s distribution licence;

AND IN THE MATTER OF a request by Barrie Hydro
Distribution Inc. under section 77(5) of the *Ontario Energy
Board Act, 1998* seeking the cancellation of its distribution
licence.

**INTERROGATORIES OF
ENERGY PROBE RESEARCH FOUNDATION
("ENERGY PROBE")**

November 21, 2008

**POWERSTREAM INC. AND BARRIE HYDRO DISTRIBUTION INC.
LEAVE TO AMALGAMATE CASE
EB-2008-0335**

**ENERGY PROBE RESEARCH FOUNDATION
INTERROGATORIES**

Interrogatory # 1

Ref: Application, Tab 1, Application Summary, paragraph 35

- a) Please provide the estimated increase in rates for Barrie Hydro as of May 1, 2009 under the 3rd GIRM rate adjustment that formed part of the benefits of the proposed transaction.**
- b) Please provide the estimated approved total revenue requirement for PowerStream (after rebasing) that formed part of the benefits of the proposed transaction.**
- c) If the amount in the response to (b) above is different than the total service revenue requirement of \$127,596,850 applied for by PowerStream in EB-2008-0244, please explain the difference.**
- d) If the Board were to reduce the total service revenue requirement of PowerStream in EB-2008-0244 such that the projected savings of \$5 million per year were substantially reduced or eliminated, would the amalgamation still proceed?**
- e) Does PowerStream acknowledge that the benefits of the proposed transaction that were calculated based on estimated approved rates for PowerStream and Barrie Hydro as of May 1, 2009 may not materialize to the extent forecast?**

Interrogatory # 2

Ref: Application, Tab 1, Application Summary, paragraph 34

Please identify where in the LDC Consolidation Report that the Board deals with rates and/or rebasing of the “predecessor utility”.

Interrogatory # 3

Ref: Application

- a) Please confirm that PowerStream's rates for 2008 were set based on the 2nd Generation IRM.**
- b) When does PowerStream believe it is or will be subject to 3rd Generation IRM? Is it when PowerStream made an application (EB-2008-0244) for rebasing or would it be when a Decision from the Board on the rebasing application is received? Please explain.**