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January 7, 2009

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-2008-0234
Lakeland Power Distribution Ltd. – 2009 Rates Rebasing Application
Submissions of Energy Probe

Pursuant to Procedural Order No. 2, issued by the Board on January 5, 2009, the following are the Submissions of Energy Probe Research Foundation (Energy Probe) in the EB-2008-0234 proceeding. An electronic version of this communication will be forwarded in PDF format.

- a) whether further discovery is required, either in the form of further interrogatories or a technical conference:

Energy Probe has reviewed the interrogatory responses of the Applicant and submits that provision for a second round of interrogatories is warranted. Energy Probe notes that the responses include interrogatories that were not answered fully such as:

- Energy Probe #8 c) where the calculations requested have not been provided;
- Energy Probe #30 d) where the information requested has not been provided;

Energy Probe further submits that other interrogatory responses require follow-up. A number of such responses are as follows:

- Energy Probe #35 b) that indicates there was an error in the methodology used to generate a forecast, but no new forecast has been provided that corrects for this error;

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- Energy Probe #32 shows year-to-date costs for October 2007 that are in excess of the total 2007 costs;
- Energy Probe #11 & # 12 that provides new information on increased costs for a substation, but does not provide details about the additional cost and any offsetting contributed capital changes.

Further, the response to Board Staff #25a raises a number of questions related to the data used to calculate the total loss factor. The revised actual billed figures provided in this response do not match the figures provided in the revised Exhibit 3, Tab 2, Schedule 2 provided in response to Board Staff interrogatories related to the load forecast. Further the purchases used in these interrogatory responses do not match the purchases used to calculate the total loss factors in Exhibit 4, Tab 2, Schedule 9.

For these reasons Energy Probe asks that the Board make provision for a second round of interrogatories. Energy Probe believes that most of its second round of questions will require calculations that are better answered through written interrogatories than through a technical conference.

- b) whether a settlement conference would be appropriate:

Energy Probe does not believe that a settlement conference would be required.

- c) whether a written or oral hearing is preferred:

Energy Probe is amenable to a written hearing.

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

All of which is respectfully submitted.



David S. MacIntosh
Case Manager

cc: Chris Litschko, Lakeland Power (By email)
Margaret Maw, Lakeland Power (By email)
Randy Aiken, Aiken & Associates (By email)
Intervenors of Record (By email)