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BY EMAIL

October 19, 2009
Our File No. 2090581

Ontario Energy Board
2300 Yonge Street
27th Floor
Toronto, Ontario
M4P 1E4

Attn: Kirsten Walli, Board Secretary

Dear Ms. Walli:

Re: EB-2009-0162 – Gas RRR Amendments

We are counsel for the School Energy Coalition in this proceeding.

We have reviewed the Notice of Proposed Amendment to a Rule dated September 21, 2009 in the above matter, and in general we believe the proposed changes are appropriate. They continue the Board's approach of increasing transparency, while trying to reduce unnecessary administrative burdens on the utilities. We believe that is an appropriate policy.

With that background, we have the following brief comments:

1. The change to section 1.1 appears to us to be a drafting change, but with no substantive impact but primarily to make the language simpler. In order to avoid future claims by parties that the change was intended to narrow the scope of the RRR requirements, we suggest that the Board, in its final communication changing the rule, make clear that it is for simplification only.
2. The change to section 1.8 proposes that the effective date of the changes is January 1, 2010, but because of the limitation to fiscal periods commencing on or after that date, the actual impact will be delayed. We believe it would be better to keep that effective date, but make the changes applicable to all filings on or after that date, regardless of the period to which they relate.

3. We believe that the information to be reported in revised section 2.1.3 (b) to (f) would be more useful if it were disaggregated by rate class, not just between low and high volume customers.
4. We recommend that the information set out in section 2.3.3 be filed with the information set out in section 2.1.7, and the section 2.3.3 information should no longer be confidential. The two sets of information are logically connected, and the section 2.3.3 information is no more likely to be confidential than the section 2.1.7 information.

All of which is respectfully submitted.

Yours very truly,

SHIBLEY RIGHTON LLP

A handwritten signature in black ink, appearing to read "Jay Shepherd", is written over a light gray rectangular background.

Jay Shepherd

cc: Bob Williams, SEC (email)
Wayne McNally, SEC (email)
Interested Parties (email)