

March 5, 2012

**COURIER, RESS, EMAIL**

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

Attention: Ms. K. Walli, Board Secretary

Dear Ms. Walli:

**Re: EB-2011-0140 - Support of Written Proceeding**

We are counsel to EWT LP. Further to the Board's Notice of Proceeding dated February 2, 2012, EWT LP would like to express its support for proceeding in the above matter by way of a written hearing.

The East-West Tie designation process will involve seven transmitters seeking to be designated, as well as various intervenors and observers. The number of parties alone makes the designation process administratively complex. Adding to this complexity is the novel nature of many of the issues that will be before the Board. Unlike a typical Board proceeding, where one applicant will respond to Board staff and any intervenors, in this case each of seven designation participants will respond to Board staff, any intervenors and each of the other six designation participants, frequently with respect to issues that are being considered in the designation hearing for the first time.

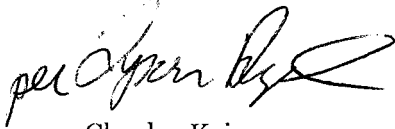
In such a setting, a written hearing is beneficial in that it allows for the Board to schedule deadlines for written submissions and responses at the same time for all affected parties. Questions posed to designation participants can be posed contemporaneously. This helps avoid the prejudice that might occur in an oral hearing with so many competing parties where intervenors and designation participants would be able to pose questions to designation participants based upon information obtained from participants that had testified earlier. As a result, not all designation participants would be subject to the same level of review or examination. The Board can avoid the prejudice that might arise as a result of the sequencing of the parties' cases by establishing a written hearing process that ensures all participants are treated equitably and subject to uniform examination.

In addition, a written hearing would presumably allow the Board to schedule deadlines for written submissions and responses with greater certainty than in an oral hearing, where hearing dates are often subject to scheduling difficulties and delays. With these deadlines in mind, parties could work to prepare concise written submissions and responses in a format that is conducive to review and comment by a large number of parties.

The designation process must also be considered in the broader context of the East-West development. The OPA has envisioned an ambitious schedule for the construction of this project, and the designation process is one of the first steps in its completion. Any effort to make the designation process as efficient as possible will therefore help ensure the East-West Tie can be constructed to meet an ambitious timetable. As it sets out in its Framework for Transmission Project Development Plans (EB-2010-0059), the Board intends its process for developing new transmission in Ontario to “allow transmitters to move ahead on development work in a timely manner.”<sup>1</sup> A written hearing could, more easily than an oral hearing, be structured to encourage an efficient designation process that enabled the designated transmitter’s work to begin in the most timely fashion.

Importantly, a written hearing in no way precludes parties from testing the evidence of designation participants. There will be opportunity for all parties to submit written interrogatories where relevant clarification is needed. As such, a written hearing offers the most efficient process, and one that does not sacrifice procedural fairness.

Yours truly,



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<sup>1</sup> Board Policy: Framework for Transmission Project Development Plans (EB-2010-0059), August 26, 2010, at page 1.