

November 5, 2012

BY COURIER (2 COPIES) AND EMAIL

Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
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Toronto, Ontario M4P 1E4
Fax: (416) 440-7656
Email: boardsec@oeb.gov.on.ca

Dear Ms. Walli:

**Re: Environmental Defence Correspondence re Intervention Request
EB-2012-0064 – Toronto Hydro-Electric System Ltd. (“THESL”)
2012-2015 Rates**

We are writing to respond to THESL’s letter of November 2, 2012 opposing the intervention request made by Environmental Defence.

Environmental Defence Seeking Normal Procedural Steps and Timeline

Environmental Defence simply wishes to take normal procedural steps in this proceeding; it is not requesting special indulgences or longer than normal timelines, as seemingly suggested by THESL. The Board has not yet issued a procedural order for the next steps in this proceeding and therefore the time for filing evidence has not passed. Environmental Defence simply wishes to file evidence in the normal course of this proceeding.

Although THESL wishes to proceed with this application quickly, we respectfully submit that THESL is not in a position to demand an abridged timetable that excludes key steps such as the filing of intervenor evidence. This is particularly the case when THESL filed a major revision to its application and evidence only five days ago.

Again, Environmental Defence is seeking permission to take normal procedural steps; it is not seeking special indulgences or extended timelines.

Expert Report Not Yet Completed

The evidence that Environmental Defence wishes to submit has not yet been produced. THESL’s letter seems to imply that Environmental Defence’s evidence has already been

commissioned and is ready to be filed. This is not the case. The first face-to-face meeting with the proposed expert witness took place only last week, and report drafting had not yet commenced at that point. We have asked that the expert work as quickly as possible, but he has other significant demands on his time and will require a reasonable period of time to prepare.

Before finalizing his report, the expert will require answers to questions that were submitted by Environmental Defence to THESL in anticipation of the technical conference. These questions have been provided well before the technical conference in the hope that this will help speed up the process.

Environmental Defence Granted Intervenor Status in EB-2012-0337

Environmental Defence was recently granted intervenor status and cost eligibility in EB-2012-0337. This further supports its position that it meets the criteria for intervenor status and cost eligibility in this proceeding as well.

Intervention not Duplicative

Contrary to THESL's assertion, Environmental Defence's intervention is not duplicative of Pollution Probe's. For example, Pollution Probe indicated in its letter of October 30, 2012 that it does not wish to file evidence, whereas Environmental Defence wishes to provide expert evidence on whether the Bremner Transformer Station is justified in light of the alternatives of conservation and demand management ("CDM") and distributed generation ("DG").

Serious Issue to be Heard

Finally, Environmental Defence submits that it has a serious and important issue to be heard, namely whether the Bremner Transformer Station can be avoided or deferred if appropriate CDM and/or DG is implemented. This is a real possibility; the CEO of the Ontario Power Authority recently stated in a public presentation to the Toronto Board of Trade that he would "like to see more supply in the downtown Toronto area."¹ Avoiding the Bremner Transformer Station through CDM and DG could mean millions of dollars in savings, lower electricity bills, decreased greenhouse gas emissions, and improved security of supply.

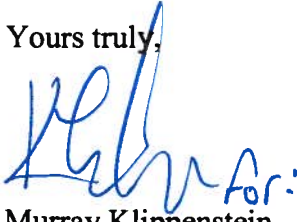
Conclusion

It is respectfully submitted that Environmental Defence's application meets all the relevant criteria, is reasonable, stands to contribute to the Board's public input process, and therefore should be approved.

¹ "Powering Toronto's Electricity Future," Remarks by Colin Andersen, CEO, Ontario Power Authority, to the Toronto Board of Trade, October 25, 2012 <<http://www.powerauthority.on.ca/sites/default/files/news/Andersen-Board-of-TradeOct-25-2012.pdf>>.

Please do not hesitate to contact me if anything further is required.

Yours truly,

A handwritten signature in blue ink, appearing to read "Murray Klippenstein". The signature is stylized and includes the word "For:" written in a smaller font at the end of the line.

Murray Klippenstein

MK/ke

cc: Applicant and Intervenors