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File No.: 97294

November 19, 2012

E-FILED

Ms. Kirsten Walli  
Secretary  
Ontario Energy Board  
Suite 2700, 2300 Yonge Street (27<sup>TH</sup> Floor)  
P.O. Box 2319  
Toronto, ON  
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Dear Ms. Walli,

**Re: Questions for technical conference from the City of Toronto  
Board File No. EB-2012-0064 – Toronto Hydro 2012-2015 Rates**

On behalf of the City of Toronto ("City"), I write further to Procedural Order No. 3 and Mr. Cass's e-mail of November 14, 2012 requesting prior notice of questions to be posed at the Technical Conference in this matter now scheduled to begin on November 21 starting at 9:30 am.

As the Board and parties should be aware, the City will be making a request for an order under Section 21(7) of the Ontario Energy Board Act, 1998, making THESL's existing and subsequently approved distribution rates for street lighting interim from the date of the City's Application in File No. EB-2012-2050 (May 10, 2012) until the date on which the Board issues a Decision/Reasons/Order in its Review of Cost Allocation Policy for Unmetered Loads in File No. EB-2012-0383.

In the Board's Issues List Decision of August 16, 2012 in this file, it stated that that to the extent the parties wish to file arguments concerning interim rate orders at the end of the case, they may do so under the Implementation Issue.

At the Technical Conference the City will therefore seek answers to the following questions relating to its request that THESL's street lighting rates be made interim from May 10, 2012 until the date of a decision in EB-2012-0383.

1. In EB-2012-0144 Mr. Mc Cord and Mr. Haines of THESL agreed that there were questions about the appropriateness of THESL's cost allocation to the street lighting class (Transcript, Vol. 2, November 11, 2011). Is THESL still of the view that there are questions about the appropriateness of THESL's cost allocation to the street lighting rate class? If not, why not?
2. What is the significance of the revenue from street lighting rates in THESL's overall revenue requirement? What percentage of THESL's revenue requirement does revenue from street lighting rates represent?




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3. Assuming, as the Supreme Court of Canada has ruled in the Bell Canada Case [1989] 1 SCR 1722, that the effect of an interim rate order for street lighting rates would be to allow street lighting revenue obtained from the City of Toronto to be adjusted retroactively from the date of the Board's Decision in EB-2012-0383 back to May 10, 2012, what practical difficulties would the Board making such an order present to THESL? How could any such difficulties be mitigated?

Please do not hesitate to contact me if clarification of these questions is required.

Yours truly,

GARDINER ROBERTS LLP



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cc. Lorraine Searles-Kelly  
Robert Hatton  
Ralph Frebold