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July 17, 2013

BY EMAIL & 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-2012-0064 Toronto Hydro-Electric System Limited  
2012-2014 IRM Rates Adjustments and ICM Adders Application  
Cost Award Decision – July 5, 2013**

Pursuant to the Cost Award Decision, issued on July 5, 2013, Energy Probe has received a copy of a letter to the Board from the Vulnerable Energy Consumers Coalition (VECC) with respect to the award of costs in above captioned proceeding.

In the Decision, the Board Panel provided relief not requested by the Applicant:

The Board considers that the applicant should generally only be responsible for paying the costs of one representative at the Settlement Conference.

While Energy Probe cannot be sure why the Applicant did not request this relief, it may be because the Applicant believed it was in their own interest to have the parties present at the Settlement Conference.

In any event, it is the ratepayers not the Applicant per se that is responsible for paying the costs of all representatives at the Settlement Conference. LDCs would be unlikely to wish this relief for the ratepayer applied to them, as typically LDCs attend a Settlement Conference with half dozen representatives or more, all funded by ratepayers.

As well, in the over 30 years that Energy Probe has been representing residential ratepayers in proceedings before the Board, there has not been a demand by ratepayers to reduce the funding of intervenors representing their interests at proceedings.

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What makes the Board Panel's statement, quoted above, most surprising is that in the majority of Settlement Conferences for cost of service proceedings over the past couple of years there have been one or more intervenors with two representatives present during part of the Conference. Funding was provided for those representatives in the subsequent Cost Decisions.

During that period, Settlement Conferences have become more successful in reducing the costs of Oral Hearings by generating Proposals to the Board Panels for settlement of many Issues in the proceeding, often a complete Settlement Proposal.

With the above in mind, Energy Probe supports the position taken by VECC in their letter of July 10, 2013, whereby a second representative could be funded up to one third of the attendance time of the main representative when two representatives are present at the same time. This is a solution that is easily applied and will reduce the risk that the effectiveness of Settlement Conferences will be reduced by not having the necessary representatives present.

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

Yours truly,



David S. MacIntosh  
Case Manager

cc: Amanda Klein, Toronto Hydro-Electric System Limited (By email)  
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