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September 30, 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 --- Phase 2  
Energy Probe – Phase 2 Draft Issues List**

Pursuant to Procedural Order No. 6, issued on September 20, 2013, these are the Comments of Energy Probe Research Foundation (Energy Probe) with respect to the Board's Draft Issues List for Phase 2 of the proceeding.

In Phase 1, the issue that garnered the most interest for many parties to the proceeding was Issue 2.2. It is the Submission of Energy Probe that the following issue be added to Phase 2:

**Issue: Has THESL provided sufficient evidence including consultant reports, business cases and consideration of alternatives, for the proposed capital projects to adequately justify them?**

Energy Probe submits that there are two reasons for adding the issue to Phase 2.

The first is that although THESL claims to have submitted evidence of the same high quality for 2014 projects as it did for 2013 projects, that claim has not been tested and so can't be taken as fact. If the issue is not included in Phase 2, then parties cannot ask interrogatories about the evidence.

The second is that if an intervenor wanted to bring expert evidence to challenge THESL's evidence that the projects are adequately justified, it would need the issue on the list to be able to do so.

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Beyond that, Energy Probe finds the Draft Issues List in Procedural Order No. 6 to be appropriate.

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

Yours truly,



David S. MacIntosh  
Case Manager

cc: Rob Barrass, Toronto Hydro-Electric System Limited (By email)  
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