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November 4, 2021

Via Email & RESS

Christine Long
Board Secretary
Ontario Energy Board
2300 Yonge Street, Suite 2700
Toronto ON M4P 1E4

Dear Ms. Long:

Re: EB-2021-0136: Hydro One Networks Inc. – Richview to Trafalgar section 92 leave to reconductor Application

This letter sets out a number of concerns APPrO has in connection with the request submitted today by the IESO seeking an opportunity to file reply submissions to APPrO's previously filed interrogatories.

First, it is disconcerting that the IESO has made this request without notice to any other intervenors in this proceeding. Second, it is unclear upon which of the OEB's *Rules of Practice and Procedure* the IESO relies on in making its request to file reply submissions by November 12. As the OEB is aware, the IESO is not an applicant in this proceeding. Further, the only applicant (HONI) advised the OEB by letter dated October 21 that it would not be filing an Argument in Chief on the basis that it "is not seeking to clarify, update or change any of the relief sought in the Application". Procedural Order No. 1 clearly states that any written submissions from OEB staff and intervenors were to be filed by October 29.

We therefore respectfully submit that it would be entirely improper to permit the IESO, in its capacity as an intervenor, to file written submissions at this stage in the proceeding. If the applicant wishes to augment its evidence, then the appropriate manner in which to do so is in accordance with section 11 of the OEB's *Rules of Practice and Procedure*, and not through supplementary submissions by the IESO.

If the OEB is nevertheless inclined to grant the IESO's request, then APPrO hereby requests that all other parties be given an opportunity to file further interrogatories limited in scope to the IESO's submissions, as well as supplemental submissions.

We would also request that the OEB carefully consider whether the IESO's role in these types of leave to construct applications should be revisited. Unlike other intervenors, the IESO is closely involved in the preparation and support of the applications. Indeed, the IESO often provides the seminal needs assessment upon which the entire application is based. As such, we suggest that it may be more appropriate, from an evidentiary standpoint and in furtherance of procedural efficacy, that the IESO be reclassified as a co-applicant rather than an intervenor

in such proceedings on a go-forward basis. This would include requiring an IESO witness panel to attend at applicable technical conferences, if so requested by one or more of the other parties and provided for by the OEB.

Yours truly,

McCarthy Tétrault LLP

Per:

A handwritten signature in blue ink, appearing to read 'Reena Goyal', with a long horizontal flourish extending to the right.

Reena Goyal
Counsel

RG/jk

ec: Mr. David Butters, President & CEO - APPrO