



**EB-2010-0193**

**IN THE MATTER OF** the *Ontario Energy Board Act, 1998*,  
S.O. 1998, c.15, (Schedule B);

**AND IN THE MATTER OF** an application by Toronto Hydro-  
Electric System Limited for an order approving just and  
reasonable rates to be effective November 1, 2010.

**BEFORE:**           **Ken Quesnelle**  
                          Presiding Member

**Marika Hare**  
Member

## **DECISION**

**October 29, 2010**

## **INTRODUCTION**

Toronto Hydro-Electric System Limited (“THESL” or “the Applicant”) has filed an application with the Ontario Energy Board, (the “Board”), received on May 14, 2010, under section 78 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c.15 (Schedule B), seeking approval for changes to the rates that THESL charges for electricity distribution, to be effective May 1, 2011. The effective date was subsequently revised to November 1, 2010.

The application is for recovery of approved contact voltage remediation costs arising out of the Board’s Decision on THESL’s EB-2009-0243 application. The costs had been approved in the Board’s EB-2009-0243 Decision (the “Decision”), which found that any relief provided in the Decision would be conditional on THESL’s actual spending in controllable operating, maintenance and administration (“OM&A”) expenditures for the 2009 year (ending December 31, 2009). THESL was authorized to record in a deferral account an amount of \$9.44 million for review once the 2009 audited financial results were known and upon application by THESL to clear the balance in the sub-account.

The Vulnerable Energy Consumers’ Coalition (“VECC”), the School Energy Coalition (“SEC”), the Energy Probe Research Foundation (“Energy Probe”) and the Canadian Union of Public Employees, Local One (“CUPE One”), were intervenors in the EB-2009-0243 proceeding and were deemed by the Board to be intervenors in the present proceeding.

The Board issued a Notice of Application and Hearing and Procedural Order No. 1 dated June 4, 2010, which, among other matters, set dates for the filing of interrogatories by intervenors and Board staff and responses by THESL. No other parties requested intervention status.

On July 26, 2010, the Board issued Procedural Order No. 2, which directed THESL to provide additional information in order to complete the record of this proceeding. On August 23, 2010 THESL provided its responses and on August 31, 2010, the Board issued Procedural Order No. 3 establishing dates for final written submissions. On September 8, 2010, the Board issued Procedural Order No. 4 which allowed for the filing of additional clarifying information by THESL and establishing revised dates for submissions in response to a request from THESL that it be allowed to file such material.

Final submissions were received from Board staff, Energy Probe and SEC. THESL filed its reply submission on October 7, 2010.

## **THE APPLICATION**

THESL has applied to recover an amount of \$8.586 million, to be adjusted for interest as found appropriate by the Board, for approved contact voltage remediation costs effective November 1, 2010.

The Board found in the Decision that THESL's recovery of up to \$9.44 million of contact voltage remediation costs would be conditional on THESL's actual controllable OM&A expenditures for the 2009 year. The \$9.44 million had arisen from the Board's determination that the total of \$14.35 million of contact voltage related recovery requested by THESL should be reduced by \$4.91 million, resulting in the conditionally approved amount of \$9.44 million.

In making this finding, the Board expressed the concern that if in fact there was underspending in the 2009 total controllable OM&A, it would confer a double benefit to the shareholder.<sup>1</sup>

The Board therefore found that in the event THESL's actual controllable OM&A expenditures were below the level reflected in THESL's 2009 approved base rates, the amount of the relief eligible for recovery would be reduced by the underspending. The Board emphasized that this finding was not intended to reopen the testing of the 2009 revenue requirement nor the prudence of the actual 2009 OM&A spending.

The Decision provided details as to how the appropriate amount of relief should be determined. Based on the information filed in the proceeding from THESL's 2010 rates application, the Board determined that any underspending in OM&A controllable expenses below \$195.6 million would be deducted from the conditional relief found in its Decision. THESL's audited 2009 statements were to be the basis of determining the level of underspending, if any.<sup>2</sup>

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<sup>1</sup> EB-2009-0243 Decision, Toronto Hydro-Electric System Limited, December 11, 2009, p. 9

<sup>2</sup> Ibid

In a letter to the Board dated December 17, 2009, THESL stated that the amount of \$195.6 referenced in the Decision included \$0.4 million of expenditures on donations and special events, which was not included as a part of 2009 rates and should therefore be excluded, meaning that an appropriate reference level of approved controllable 2009 OM&A would be \$195.2 million.<sup>3</sup> No party questioned the validity of this adjustment and the Board accepts it.

There are five areas where it is necessary that the Board make a decision on this application. These are: (1) the proposed recovery methodology and amount, (2) the allocation of the spending shortfall to the customer classes, (3) the time period of the recovery of costs from the customer classes, (4) the approach to interest carrying charges, and (5) the appropriate implementation date.

### **APPROPRIATE RECOVERY METHODOLOGY AND AMOUNT**

The submissions received from Board staff, Energy Probe and SEC as well as the reply submission from THESL all discussed the appropriate recovery amount and the various approaches by which it could be determined.

The SEC submission raised questions as to whether the evidentiary record was sufficient for the Board to make a decision in this proceeding, and if not, the nature of the decision that should be made.

Staff submitted that a key issue in the Panel's consideration of an appropriate recovery methodology and amount is that the Decision does not state whether or not the 2009 actual controllable OM&A expenses to be compared to the approved amount used to determine 2009 rates would be inclusive or exclusive of contact voltage remediation costs, and if exclusive, whether the costs to be excluded would be only those approved for recovery in the Decision, or all costs that are related to the contact voltage emergency, whether they were approved for recovery by the Board or not.

The Board will deal with the issues raised by SEC first followed by the issue of an appropriate recovery mechanism and amount.

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<sup>3</sup> Exhibit J, Tab 1, Schedule 1

*(i) SEC submissions as to sufficiency of evidentiary record*

**Background**

SEC argued that a two stage analysis was needed. The first step was to determine whether or not the evidence provided a basis for the Board to order any recovery to THESL. If the answer to this question was yes, the calculation of the correct amount became the remaining issue.

SEC argued that THESL had not met the first test and, as a result, recovery should be denied by the Board. This was because the burden of proof was on the applicant and the applicant at all times maintained the burden of putting forward sufficient evidence for the Board to reach the decision applied for. In SEC's view, THESL had not met this test because critical information in its possession, which had been requested by both parties to the proceeding and the Board had not been provided. The information related to whether or not any unusual spending or adjustments took place at the end of 2009 that affected total 2009 controllable expenses.

SEC further stated that the monthly 2009 information provided by THESL showed that average controllable expenses per month in 2009 were \$17.0 million, but that December expenses were \$25 million, with the difference of \$8 million being equal to substantially all of the claim made by THESL in this proceeding. SEC argued that THESL's failure to provide the equivalent information for 2007 and 2008, as requested by the Board, does not allow for a comparative assessment to determine whether or not the increase in December spending was normal.

SEC submitted that when an applicant refuses after repeated requests to provide material information, it would be appropriate for the Board to assume that the information withheld would be detrimental to the applicant's position. SEC concluded that when such facts exist, the refusal to provide that necessary information should be considered fatal to the application.

In the event the Board did not reach this conclusion, SEC submitted that the Board should follow its more normal practice and act on the best evidence before it. In this context, SEC argued that the best evidence was that controllable expenses in December 2009 were \$8.0 million more than the normal level of controllable expenses

and in the absence of any empirical evidence explaining that excess amount, the recovery amount should be reduced by \$8 million.

THESL responded that the Board should reject both of SEC's arguments on the grounds that SEC was suggesting there should be a further test of the validity of the 2009 actual controllable expenses. SEC argued that the actual expenses should not exceed the 'normal' level of controllable expenses. THESL submitted that this argument should be disregarded, first because there was no basis in the Decision for such a test and second, since there was no conceptual basis for it, much less an actual definition for a 'normal' level of controllable expenses, either annually or at any sub-annual interval.

## **BOARD FINDINGS**

The Board does not accept the arguments of SEC that there is insufficient evidence on the record for the Board to make a decision in this matter, or that it should use what SEC characterized as the best evidence on the record to reduce the recovery amount by \$8 million. The Board is in agreement with the views expressed by THESL that the adoption of such approaches would represent a test of the validity of the 2009 controllable expenses for which there is no basis in the Decision. The Board therefore finds that the evidence on the record in this proceeding is sufficient for it to make a Decision on this application.

However the Board considers THESL's response to repeated requests for this information to be less than forthright. The information in question, while not essential for the rendering of its Decision, could have been provided with whatever caveats THESL deemed appropriate and it may have provided useful context to parties in better understanding the nature of THESL's 2009 spending. The Board expects THESL to be more open in its responses in the future.

*(ii) Appropriate recovery methodology and amount*

### ***Background***

Staff took the position that there were three potential approaches open to the Board to determine an appropriate level of recovery of contact voltage remediation costs by

THESL based on the Decision. These were defining actual 2009 controllable OM&A to be compared to the approved \$195.2 million level in one of three ways:

- (i) including all contact voltage costs
- (ii) excluding only contact voltage costs approved for recovery in the Decision and,
- (iii) excluding all contact voltage costs.

The Board notes that no parties disputed that these were the three alternatives available to the Board in the event that it was determined that some level of recovery was appropriate. The relative merits of these three approaches were discussed in the submissions of all parties.

Board staff did not take a position as to which of the three approaches to recovery should be adopted. THESL and Energy Probe supported the second approach, while SEC supported the third approach.

No party supported alternative (i) which would have included all contact voltage costs. THESL argued that the intrinsic logic of the Decision would rule this alternative out, since its adoption would permit a situation in which the sum of 'non-contact voltage' operating expenditures and contact voltage expenditures could equal \$195.2 million and in which THESL would apparently be eligible to recover not only the (normal, at risk) amount of \$195.2 million already reflected in rates, but also a further amount of \$9.44 million representing contact voltage expenditures. THESL submitted that the logic of the Decision was clearly that it would be required to make controllable expenditures of \$195.2 million or more apart from costs that would be recoverable as extraordinary contact voltage costs in order to be able to recover the full conditionally approved amount; and that any shortfall in those expenditures relative to the reference amount would be deducted from the allowable contact voltage recovery amount.

THESL argued that the adoption of alternative (ii) would be fair and proper since it conforms to the express condition and intrinsic logic of the Decision, precludes any improper cost recovery on the part of THESL, and recognizes that categorically eligible actual expenditures outside the contact voltage recovery envelope were incurred by THESL and properly constitute controllable expenses for purposes of comparison to the reference amount.

Energy Probe also supported this alternative as the fairest, noting that it disallows inclusion of the \$9.44 million of contact voltage costs eligible for recovery in the Board's decision in 2009 actual OM&A but does allow the inclusion of the \$4.91 million that was refused in the contact voltage decision.

SEC argued in favour of alternative (iii) in the event the Board did not accept its other arguments. SEC submitted that the appropriate amount for recovery would be \$2.887 million. SEC stated that the basis for this conclusion is that the Decision makes clear the amount of recovery must be incremental to the controllable expenses without any contact voltage charges. As such, in SEC's view, the entire amount should be deducted from controllable expenses to determine how much of the Board approved budget was available to defray the \$9.44 million.

THESL argued that the Decision ruled out alternative (iii) since it neither explicitly stated nor implicitly required that contact voltage expenditures not eligible for recovery as extraordinary contact voltage costs are anything other than controllable expenses in the usual sense. In THESL's view, had the Board intended such an exclusion to take place it would have said so in the Decision.

Staff submitted that the Decision had also provided no specific direction as to whether approved contact voltage costs, which have been deducted by THESL, should be excluded or included in calculating the appropriate level of controllable expenses.

THESL argued that the question posed in the Board staff submission as to whether the key criterion to be used in determining which contact voltage costs are included in controllable expenses should be whether or not the disallowed costs were caused by the contact voltage emergency was not within the scope of this proceeding because the answer to it is not a determinant of whether any part of THESL's actual 2009 operating expenses constituted controllable expenses.

THESL submitted that the observation in the staff submission that "the 2009 approved controllable OM&A levels were set on the basis that no specific contact voltage costs would be incurred" was also not within the scope of the proceeding because of the statement in the Decision that its finding was not intended to reopen the testing of the 2009 revenue requirement nor the prudence of the actual 2009 OM&A spending.



As such, THESL argued that there was no basis in the Decision or otherwise that would support the proposition that actual residual contact voltage expenses are not to be included in actual controllable expenses. THESL argued that the fact that it had re-prioritized certain operating expenditures, apart from those potentially recoverable through the contact voltage mechanism to deal with the contact voltage issues on its system does not disqualify those expenditures from inclusion in the calculation of 2009 controllable expenses.

THESL submitted that on the basis of the evidence in the present proceeding, it had met all the requirements of the Decision and the Board should now find that the amount of \$8.586 million documented in THESL's supplementary evidence, plus carrying costs, is properly recoverable by THESL in accordance with the Decision.

## **BOARD FINDINGS**

The Board finds that the appropriate recovery amount will be determined by deducting from the 2009 actual controllable operating expenses all contact voltage costs that the Board determined in the Decision would not have arisen in the absence of the contact voltage emergency, whether permitted for recovery in the Decision or not. In making this finding, the Board is in agreement with the staff submission that the key criterion to be used in determining which contact voltage costs should be included in controllable expenses should be whether or not the disallowed costs were caused by the contact voltage emergency, rather than whether or not they were found eligible for Z-factor recovery.

The Board does not agree with THESL's submission that this question is not within the scope of this proceeding. The Board finds that the scope of this proceeding is to determine an appropriate recovery amount of contact voltage costs in the context of the Decision and the criterion raised by staff is relevant to this determination.

The Board is in agreement with THESL that its re-prioritization of certain operating expenditures, apart from those potentially recoverable through the contact voltage mechanism to deal with the contact voltage issues on its system does not disqualify those expenditures from inclusion in the calculation of 2009 controllable expenses.

The Board has reviewed in this context the two disallowances in the Decision totaling \$4.91 million and consisting of \$2.41 million for ongoing scanning costs and \$2.5 million

related to overtime maintenance costs and remediation work. The Board finds that the \$2.41 million of ongoing scanning costs represented an acceptable re-prioritization of costs by THESL and should not be included in the deduction. The Board does not agree with staff's assessment that the scanning costs would not have occurred in the absence of the contact voltage emergency. While it is true that the scanning was prompted by the awareness gained through the emergency, had THESL gained awareness of the situation through other means such as evolving industry knowledge it could very well have commenced a scanning program as a reprioritization of its work programs. The Board notes that it is unlikely that a program prompted by this type of intelligence would have risen to the same scale as quickly as what occurred in THESL's actual experience. For reasons explained below the Board will not adjust the reduction to reflect this finding.

The Board finds that the remaining \$2.5 million of costs were related to the contact voltage emergency, as they included overtime costs which arose as a result of the emergency, and should be deducted. The record indicates that a notional portion of these costs are attributable to normal remediation work that may have occurred in the absence of the contact voltage emergency. It would not be possible to discern an accurate percentage of this category of costs that is made up by this activity. The Board deems that the notional cost associated with the remedial work that would cause a reduction in the \$2.5 million quantum is offset by the allowance of the exaggerated scanning costs explained above.

The Board will therefore allow a total recovery by THESL of \$5.3 million plus carrying costs. This is a reduction from the \$8.6 million plus carrying costs requested by THESL and is based on the principles of methodology (iii) as outlined earlier with the adjustments noted above. The calculation of both THESL's claimed recovery amount and the approved amount determined by the Board are shown in the table below, which is derived from the Board staff submission:

\$ millions	<b>THESL Approach</b>	<b>Board Approved Approach</b>
(1) 2009 Controllable Expenses	204.51	204.51
(2) Contact Voltage Costs Deducted	9.44	12.73 <sup>4</sup>
(3) Categorically Ineligible Expenses	0.724	0.724
(4) Net Expenses (1) - (2)- (3)	194.346	191.056
(5) Approved 2009 Expenditure Level	195.2	195.2
(6) Under Expenditure (4) - (5)	-0.854	-4.144
(7) Maximum Recoverable Expenditures	9.44	9.44
<b>(8) Allowable Recovery before carrying charges (6) + (7)</b>	<b>8.586</b>	<b>5.296</b>

In making this finding, the Board is mindful of THESL’s arguments that there was no basis in the Decision or otherwise supporting the proposition that actual residual contact voltage expenses are not to be included in actual controllable expenses.

The Board however agrees with staff that the Decision does not make any reference to specific deductions that should be made from 2009 controllable OM&A, whether of the approved contact voltage expenditures as proposed by THESL and supported by Energy Probe, or additional deductions of non-approved costs as discussed in staff’s alternative (iii) and supported by SEC.

The fact that the Decision does not provide such guidance might lead to the conclusion that alternative (i) would be the most appropriate option for the Board to adopt, except that the Board finds persuasive the arguments made by THESL in its reply submission as to why the intrinsic logic of the Decision would rule this alternative out. This leaves alternative (ii) and (iii) for consideration. The Board does not believe that the Decision provides any guidance that would support a conclusion that either one of these alternatives is more or less appropriate than the other, or that either one would effectively reopen the 2009 revenue requirement.

The Board finds that what is under consideration in both alternatives (ii) and (iii) is an appropriate level of contact voltage recovery by THESL, given the Decision allowed an extraordinary event recovery of up to \$9.44 million of contact voltage costs, but did not

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<sup>4</sup> Derived as “Total Contact Voltage Expenses” of \$15.139 million, as shown in *EB-2010-0193 Toronto Hydro-Electric System Limited Recovery of Amounts Related to Contact Voltage Supplementary Evidence Appendix A Filed 2010 September 10*, less the \$2.41 million of ongoing scanning costs.

make any further specification as to what level of such costs, if any, should be deducted from 2009 actual controllable OM&A expenses. Both alternatives (ii) and (iii) involve the deduction of some level of contact voltage costs from 2009 actual controllable OM&A costs for the purpose of determining an appropriate level of extraordinary cost recovery only. The adoption of either of these alternatives has no impact on the 2009 revenue requirement which remains unchanged.

In the Decision, the Board provided several comments that were intended to guide the implementation phase of the Decision. Of these comments, the one that this Panel views as identifying the overarching guiding principle is the one which led the Board to establish conditional relief in the first place. That being, that any approved recovery should not confer a double benefit to the shareholder. On that basis, the Board is of the view that the exercise of normalizing the 2009 actual controllable expenses is crucial in determining a level of recovery that will not confer a double benefit upon the shareholder. The Board is of the view that the very act of normalizing the 2009 actual controllable expenses does not mean that a prudence review of the 2009 revenue requirement has been undertaken, nor that a further prudence review has been undertaken of the disallowed residual contact voltage costs. Rather, the adjustments to the conditional relief approved in the original Decision were determined by the Board in this proceeding by reviewing the reasons for the disallowance of the residual contact voltage costs as determined by the Board in the original Decision, with no new findings made on the facts of the original case.

## **SPENDING SHORTFALL ALLOCATION**

### ***Background***

The Decision did not comment on the issue of the allocation of any spending shortfall between cost categories. THESL proposed to allocate the spending shortfall proportionally between the two categories of costs for which recovery was approved in the original application, which were scanning and remediation costs.

Board staff and intervenors had no concerns with THESL's proposal.

## **BOARD FINDINGS**

The Board approves THESL's proposal.

## **APPROPRIATENESS OF COST RECOVERY FROM CUSTOMER CLASSES**

### ***Background***

The Decision stated that the Board would not make a finding for the balance of contact voltage costs regarding the appropriate recovery period, or method of recovery in that Decision, and that these matters would be dealt with when THESL brought forward an application for disposition of any of these balances.

THESL requested recovery through fixed-term monthly rate riders with costs allocated to Streetlighting and USL classes recovered over a period of 3 years and costs for all other classes recovered over a single rate year. Recovery was requested to commence May 1, 2011. This date was subsequently revised by THESL in its reply submission to November 1, 2010.

THESL's evidence demonstrated that the impacts of its proposed recovery were highest for the Streetlighting and USL classes, ranging between 1.2% and 6.5%, which is why THESL proposed the three year recovery periods for these classes. THESL stated that impacts for all other classes were between zero and 1.4%.

No parties expressed concerns with THESL's proposed approach. However, staff noted that if the recovery amount claimed by THESL was to be reduced by the Board, the impacts for the most affected customer classes would also be reduced. Depending on the outcome of the Board's Decision, staff suggested the Board might wish to allow THESL the option of maintaining a mitigation plan for the affected classes or align the recovery period with the remaining classes as part of THESL's draft Rate Order.

### **BOARD FINDINGS**

The Board has reduced the amount of THESL's allowed recovery. Accordingly, the Board finds that the recovery period can also be reduced and in order to avoid unnecessary complexity, the recovery period will be 18 months for all customer classes.

## **INTEREST CARRYING CHARGES**

### ***Background***

The Decision had determined that until the disposition matter had been brought forward by THESL, there would be no interest on the \$9.44 million amount. It did not elaborate further on this matter.

In the present application, THESL requested carrying charges to be calculated, using the Board's prescribed interest rates and methodology, from a date to be determined by the Board until the date of requested rate implementation on May 1, 2011.

Board staff stated that it had no concerns with THESL's proposal and submitted that the Board might wish to consider whether or not an appropriate date from which carrying charges should be assessed would be from December 11, 2009, which was the date of the Decision.

## **BOARD FINDINGS**

The Board notes that no parties opposed staff's proposal that carrying charges be assessed from December 11, 2009. The Board accepts this proposal.

## **RATE IMPLEMENTATION DATE**

### ***Background***

THESL's original application proposed an implementation date of May 1, 2011 for any additional revenues awarded to it by the Board arising from the contact voltage emergency. THESL stated that the reason it had chosen this date was to minimize the number of rate changes for its customers by coinciding with the anticipated implementation of rates for 2011. THESL also noted that the suggested implementation date in this application is consistent with that proposed in THESL's 2007 CDM application (EB-2008-0401), in which the Board's September 22, 2009 Decision approved rate implementation to begin the following year on May 1, 2010.

THESL further suggested that if the proposed May 1, 2011 implementation date is not acceptable to the Board, the alternative of November 1, 2010, the date of the next RPP

change, would be more reasonable than an isolated rate change coming at an unexpected time for consumers.

No parties expressed concerns with THESL's approach.

In its reply submission, THESL submitted that with respect to the issue of the timing of rate implementation, there would be a benefit to consumers to discharge this matter at an earlier time rather than a later time in order to minimize carrying costs. THESL also argued that there was generally a benefit to all parties for there to be a timely conclusion to proceedings before the Board and implementation of the outcomes of those proceedings. As such, THESL requested that the Board render its Decision in this matter in a time frame that would permit rate implementation for November 1, 2010, if possible. If this date was not seen as possible, THESL requested that implementation be at the time of the next general distribution rate change which THESL foresaw as being May 1, 2011.

## **BOARD FINDINGS**

The Board accepts THESL's arguments and approves a November 1, 2010 effective and implementation date.

## **DRAFT RATE ORDER**

The Board has made findings in this Decision which change the distribution rates from those proposed by THESL. In filing its draft Rate Order, the Board expects THESL to file detailed supporting material showing the determination of its proposed final rates.

## **IMPLEMENTATION**

The Board may grant cost awards to eligible stakeholders pursuant to its power under section 30 of the *Ontario Energy Board Act, 1998*. The Board will determine eligibility for costs in accordance with its *Practice Direction on Cost Awards*. When determining the amount of the cost awards, the Board will apply the principles set out in section 5 of the Board's *Practice Direction on Cost Awards*. The maximum hourly rates set out in the Board's Cost Awards Tariff will also be applied.

All filings with the Board must quote the file number EB-2010-0193, and be made through the Board's web portal at [www.errr.oeb.gov.on.ca](http://www.errr.oeb.gov.on.ca), and consist of two paper copies and one electronic copy in searchable / unrestricted PDF format. Filings must be received by the Board by 4:45 p.m. on the stated date. Parties should use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at [www.oeb.gov.on.ca](http://www.oeb.gov.on.ca). If the web portal is not available, parties may e-mail their documents to the attention of the Board Secretary at [BoardSec@oeb.gov.on.ca](mailto:BoardSec@oeb.gov.on.ca). All other filings not filed via the Board's web portal should be filed in accordance with the Board's *Practice Directions on Cost Awards*.

**THE BOARD DIRECTS THAT:**

1. THESL shall file with the Board, and shall also forward to intervenors, a draft Rate Order attaching a proposed Tariff of Rates and Charges reflecting the Board's findings in this Decision, within 5 days of the date of this Decision. The draft Rate Order shall also include customer rate impacts and necessary supporting information.
2. Intervenors shall file any comments on the draft Rate Order with the Board and forward to THESL within 4 days of the date of filing of the draft Rate Order.
3. THESL shall file with the Board and forward to intervenors responses to any comments on its draft Rate Order within 4 days of the date of receipt of intervenor submissions.
4. Intervenors shall file with the Board and forward to THESL their respective cost claims within 21 days from the date of this Decision.
5. THESL shall file with the Board and forward to intervenors any objections to the claimed costs within 28 days from the date of this Decision.
6. Intervenors shall file with the Board and forward to THESL any responses to any objections for cost claims within 35 days of the date of this Decision.
7. THESL shall pay the Board's costs incidental to this proceeding upon receipt of the Board's invoice.



**DATED** at Toronto, October 29, 2010

**ONTARIO ENERGY BOARD**

*Original Signed By*

Ken Quesnelle  
Presiding Member

*Original Signed By*

Marika Hare  
Member