

QUESTION:

(page 11, lines 22 – 26) It is stated that Hydro’s suggestion to suspend the operation of the RSP load variation provision and its implied preference for reallocation would need to be assessed in regard to classic legal fairness issues relating to retroactive ratemaking.

Has such an assessment been filed in Mr. Bowman’s evidence? If so, please provide a reference.

Has such an assessment been filed in this Application? If so, please provide references.

In Mr. Bowman’s opinion, are any of the experts participating in this Application qualified to file such evidence?

In Mr. Bowman’s opinion is the Board able to issue an Order on the basis of the evidence filed given Hydro’s suggestion to suspend the operation for the RSP load variation and its implied preference for reallocation?

RESPONSE:

a)

No. Mr. P. Bowman’s evidence does not address legal opinions. Mr. P. Bowman’s evidence only notes that the IC group has been subjected to the well documented and understood rules of the RSP throughout this period, and were at risk accordingly of both increases and decreases in their costs pursuant to these approved rules. In common parlance, it is clearly “retroactive” to apply a newly devised set of rules to past periods where other approved rules were in place.

b)

No.

c)

No. Questions of law are not appropriately addressed by technical experts.

d)

The question is a legal matter.