



December 22, 2010

Delivered by E-Mail

Ms Kirsten Walli
Secretary
Ontario Energy Board
Suite 2700, 2300 Yonge Street
Toronto, Ontario M4P 1E4

Dear Ms Walli:

I am writing in response to your letter of December 20, 2010, in which the Board said it would like to receive a written submission regarding a proposed sanction relating to a breach of the Board's Procedural Order No. 12 in the above hearing.

AMPCO's letter of December 16, 2010, which acknowledged that a mistake was made, was submitted by counsel on AMPCO's behalf. The letter was not intended nor should it be understood to imply that Mr. Crocker was "the person responsible for the breach" as the Board suggests it would assume. The current circumstances are unlike those of the previous incident to which the Board's letter makes reference in that the Association of Major Power Consumers in Ontario is represented in matters before the Board by a team of people, not by a single person. AMPCO is the party to the proceeding and AMPCO takes responsibility for any mistakes that have been made.

Your letter refers to its sanction in the previous case as "a personal payment of \$10,000 towards the Board's costs". The Board's explanation in the previous circumstances was that the sanction ordered then was intended as a signal: not related either to the materiality of a breach or to direct costs of the Board. As such, we have no basis to presume what penalty, if any, might be appropriate.

Sincerely yours,

Adam White
President