

January 14, 2015

Via Email and Electronic Filing

Ontario Energy Board
2300 Yonge Street, 27th Floor
Toronto, Ontario
M4P 1E4

Attention: Kirsten Walli, Board Secretary

Dear Ms. Walli:

Re: Notice of Constitutional Question (Board File EB-2014-0116)

We are counsel to the intervenor Canadian Electricity Association (“CEA”) in the above-noted proceeding with respect to a motion brought by the School Energy Coalition (“SEC”) on December 19, 2014 in the above noted proceeding.

Pursuant to Procedure Order No. 5 dated January 13, 2015, the Board granted the CEA’s request for leave to intervene in respect of the SEC’s motion. The Board further directed that the CEA deliver its Notice of Constitutional Question by today’s date. The CEA encloses a copy of its Notice of Constitutional Question pursuant to the Board’s *Rules of Practice and Procedure* and section 109 of the *Courts of Justice Act*.

Under Procedure Order No. 5, the Board has scheduled the SEC’s motion to be heard on January 30, 2015. It did so notwithstanding the CEA’s request that the schedule for the hearing of the motion be amended to provide for substantially more time (CEA materials to be delivered March 16, 2014) so that the CEA can provide a fair and full response to the motion after consulting with its members, for the reasons set out in our letter of January 10, 2015.

For the record, the CEA objects to the date scheduled for the SEC’s motion because the hearing schedule set by the Board is not in accordance with the rules of natural justice and procedural

fairness, and reserves all of its rights in this regard. The CEA anticipates delivering what responding materials it can next week.

Yours truly,

Goodmans LLP

A handwritten signature in black ink, appearing to read 'Peter Ruby', written in a cursive style.

Peter Ruby
PDR/ur
Encl.

Copy: Michel Shneer
Maureen Helt, Senior Legal Counsel, OEB
Mark Rubenstein, counsel to the SEC
Crawford Smith, counsel to Toronto Hydro