

Ministry of the  
Attorney General

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January 29, 2015

**VIA EMAIL**

Ontario Energy Board  
2300 Yonge Street  
27<sup>th</sup> Floor  
Toronto, Ontario  
M4P 1E4

**Attn: Kirsten Walli, Board Secretary**

Dear Ms. Walli:

**RE: EB-2014-0116 - Toronto Hydro 2015-2019 Rates**

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The Attorney General of Ontario is in receipt of the CEA's Notice of Constitutional Question. I write to inform the Panel and parties that the Attorney General will not be intervening in the constitutional question raised by the CEA before the Ontario Energy Board.

The Attorney General notes that it is well established in Supreme Court of Canada jurisprudence that constitutional issues should only be decided if necessary. Here, the constitutional issue need only be decided if 1) the Panel finds that the CEA has copyright in any of the 8 documents at issue; 2) the Panel finds that the production of those documents by Toronto Hydro cannot be accomplished without infringing a section of the *Copyright Act* and 3) the Panel finds that a requirement for Toronto Hydro to produce those documents cannot be considered "fair dealing" under the *Copyright Act*.

Yours truly,

A handwritten signature in black ink, appearing to read "Daniel Guttman".

Daniel Guttman  
Counsel  
DG/hm

cc. Interested Parties via email