



**FINANCIAL SERVICES DEPARTMENT
KITCHENER UTILITIES**

James A. (Jim) Gruenbauer, CMA
Manager, Regulatory Affairs & Supply
City Hall, P.O. Box 1118
200 King St. West, 5th Floor
Kitchener, Ontario
Canada, N2G 4G7
Phone: 519-741-2616
Cell: 519-580-3568
Fax: 519-741-2633
TDD: 519-741-2385
e-mail: jim.gruenbauer@kitchener.ca

BY COURIER

February 17, 2009

Ontario Energy Board
Attn: Ms. Kirsten Walli, Board Secretary
P.O. Box 2319
2300 Yonge Street, 27th Floor
Toronto, Ontario, M4P 1E4

Dear Ms. Walli:

Re: EB-2009-0048 – Application for Renewal of Gas Marketer License – The Corporation of the City of Kitchener – Utilities Division (“Kitchener”)

In response to Mr. Pickernell's letter to Mr. Malcolm dated February 10, 2009, please find enclosed two copies of Kitchener's most recent audited financial statements to fulfill the requirements of Section C12 of our license renewal application.

Further to the Board's request for Kitchener with reference to information about Key Individuals in Section D14 of the Board's license application form to also provide copies of two pieces of identification, one of which must include a photo, we respectfully decline to provide such personal information due to privacy concerns.

We understand from Mr. Pickernell's letter that the additional information to confirm the identity of Key Individuals is "*typically* asked for" [emphasis added] by the Board in a gas marketer license application. On February 12, 2009, I spoke with Mr. Antonopoulos at the Board to advise him that we would be filing copies of our audited financial statements, but we had privacy concerns with the request for Mr. Malcolm and me to provide copies of our personal identification, including photo identification, to the Board. Mr. Antonopoulos was candid and helpful in explaining the Board's rationale for the additional information requested, and acknowledged that it is directed more towards retail energy marketers and not a municipally owned gas distribution utility such as Kitchener.

February 13, 2009
Ms. Kirsten Walli
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This would suggest, given our non-typical application for renewal of a gas marketer license by a municipal gas utility, that provision of the additional information by Kitchener would not be necessary for the Board to process and, hopefully, approve our renewal application which includes a request for continuance of previously granted exemptions under the Code of Conduct for Gas Marketers and the Natural Gas RRR.

In the alternative, as I indicated to Mr. Antonopoulos during our telephone conversation, we would be prepared to directly provide the Board with the police record check.

We would appreciate your acknowledgement of receipt of this letter and the attached paper copies of Kitchener's audited financial information at your earliest convenience, and we will await the Board's further directions in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Gruenbauer", is written over a faint, circular embossed seal.

James A. Gruenbauer, CMA
Manager, Regulatory Affairs and Supply

Cc: W. Malcolm (Kitchener)
G. Dimitropoulos (OEB)
J. Alick Ryder, Q.C. (RWBH)

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