

September 12, 2007

Kirsten Walli
Board Secretary
Ontario Energy Board
Suite 2701
2300 Yonge Street
Toronto ON M4P 1E4

Dear Ms. Walli:

Re: EB-2007-0606 and EB-2007-0615

We are counsel to the Consumers Council of Canada. We write to you in response to Procedural Order No. 7, the ("Procedural Order") dated September 11, 2007.

By way of background, we filed, on behalf of our client, an amended Notice of Motion seeking certain relief, including the following:

2. An Order that interim and final cost awards be calculated using a scale of remuneration allowing an hourly rate of \$300 for senior counsel, consultants and experts.

In the Procedural Order, the Board provided that it would hear our client's Motion, except for the relief set out in the preceding paragraph. The Board stated that it considered that item of relief "outside the purview of this proceeding and would be more appropriately dealt with in EB-2007-0683, the Board's Consultation on the Practice on Cost Awards".

In preparing our client's Motion, we were aware that the Board had embarked on a review of, among other things, the maximum hourly rates specified for senior counsel, consultants and experts, in the Board's Practice Direction on Cost Awards. Notwithstanding that, we included the particular item of relief in the Motion for a number of reasons, chief among which is that the relief is required for this proceeding. We do not know when the Board will issue a decision, arising from its consultation on cost awards, and we do not know if any decision arising from that consultation can or will be binding on this proceeding. Accordingly, it was our view that this particular item of relief had to be applied for in this proceeding.

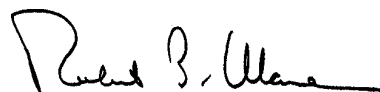
The effect of the Procedural Order is to deny us an opportunity to even make an argument as to why this item of relief should be considered, and granted, by the panel in this proceeding. With great respect, we do not believe that that is fair. We acknowledge that the

Board has the right to determine that it will not consider whether to grant a particular form of relief. However, it is our position that the Board cannot decide that before allowing the applicant, and all other parties, to make submissions on the question of whether the Board can and should consider whether to grant that item of relief.

Accordingly, we ask that the Board allow us, and other party who wishes, to make submissions to you on why the Board should consider granting this item of relief in this proceeding.

Yours very truly,

WeirFoulds LLP

A handwritten signature in black ink, appearing to read "Robert B. Warren", written over a horizontal line.

Robert B. Warren

RBW/dh

Enc:

cc: Helen Newland
Michael Penny
All Parties

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