



October 13, 2009

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

Dear Ms. Walli:

Re: Combined PILs Proceeding, EB-2008-0381

On October 7, 2009, Board Staff published a letter in the above noted matter. Board Staff proposed that as a next procedural step, the Board ought to attend to a threshold jurisdictional issue arising out of the operation of Bill 210.

ENWIN participated in a Board Staff led discussion on August 17 and 18, 2009. That discussion was highly productive. Many of the key issues of this proceeding were considered in a collaborative fashion through the earnest efforts of Board Staff, applicants, intervenors, and other interested parties. One of the points on which there was widespread support, if not full consensus, was that the effect of Bill 210 should be determined prior to finalizing the Issues List. It is expected that the determination will substantially alter what is "on the table".

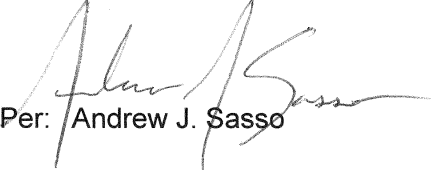
The question, as submitted by Board Staff, appears sufficient for the purposes of framing submissions on this issue. As the expert on the Board's statutory authority, Board Staff's expertise was well utilized in articulating the threshold question.

It would not only be appropriate, but quite helpful to *ENWIN* and presumably other parties, for the Board's Procedural Order to direct Board Staff to use its expertise to make a first submission on the threshold question. Response submissions from the applicants and intervenors would follow. Given the complexity of the issue and the likelihood that expert legal advice will need to be obtained, *ENWIN* requests that the Board provide at least 21 days following the Board Staff submission for responses to be submitted.

In light of the great successes of the August discussion, once the threshold question is resolved, another discussion or Issues Conference should be held to apply the determination to the working list of issues.

Yours very truly,

***ENWIN* Utilities Ltd.**


Per: Andrew J. Sasso