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October 22nd, 2007

Via Fax: 1-416-440-7656

Ontario Energy Board
2300 Yonge Street, Suite 2700
Toronto, Ontario
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Attention: Michael Miller, Counsel, Board Staff:

We have had the benefit of reading the submissions made to the Board Secretary by Mr. Ross for the Ross Group of landowners, Mr. Sperduti for Power Line group of Landowners, and Mr. Klippenstein for Pollution Probe. We have also had the benefit of a de-briefing from Mr. Alec McLennan who attended the Technical Conference on behalf of the Fallis Group of Landowners, as this writer was otherwise engaged in the Court of Appeal of Ontario for the same two days.

We wholeheartedly adopt and support the submissions of all three counsel on behalf of the Fallis Group of Landowners, and so now advise both the OEB and *HONI* of this fact. This letter is being sent to all active parties by E-mail as well

It is absolutely urgent that the OEB make an immediate decision upon the joint request of counsel for the Ross Group, Powerline, Pollution Probe and the Fallis Group, to adjourn the next phase of the intended proceedings to allow for a mediator/facilitator to be brought forward at the initiative of the OEB to resume the Technical Conference as a transcribed proceeding, but only after *HONI* has circulated the further evidentiary material that its Counsel, Mr. Nettleton, indicated to those in attendance at the Technical Conference on October 15th and 16th, that *HONI* still intends to file with the OEB.

Depending on what new evidence *HONI* intends to additionally file with the OEB such evidence may warrant a revisit of the Issues Lists, and certainly will require the Interveners to have sufficient digestion time before resuming any fresh transcribed Technical Conference conducted through an OEB appointed mediator/facilitator.

We, for the Fallis Group, specifically took the time to compose and frame 106 written specific questions and submitted them to *HONI* within the OEB scheduled submission time, with a request for written answers to be provided to the Fallis Group, by noon on October 11th. Not only did *HONI* not supply any written replies whatsoever to any of the 106 questions by October 11th, but

HONI counsel would not permit any of its produced witnesses to answer any of the 106 questions at the Technical Conference on October 15th and 16th.

Such stonewalling by *HONI* serves only to defeat the very purpose of your Board to ensure full transparency in the evidentiary process. *HONI* has chosen to substitute the word "*translucency*" for the word "*transparency*" and appears to be intent in remaining in that continuing posture during the continuation of the remaining processes and procedures in going forward in this Application.

It is therefore absolutely critical that the OEB, ***no later than by NOON on Wednesday October 24th, 2007***, advise all parties and all of the Interveners who have now objected to the continuation of these proceedings as scheduled, (*and who have requested that the OEB now adjourn the time for submission of the written Interrogatories until such later time after HONI has first filed with the OEB the additional evidentiary submissions that it has so advised the OEB that intends to so file*), that the OEB has unilaterally adjourned the next phase of the hearing process to allow additional time for submitting written interrogatories until a date to be further set by the Board after further oral submissions to the Board at a forward motion date to be set by the OEB.

If the OEB has not indicated in writing by Noon on Wednesday, October the 24th that it is unilaterally adjourning the Interrogatory Phase of this hearing process, as requested herein, then the various Interveners must take whatever steps they feel are necessary in law to protect the interests of their respective clients.

Would you please now indicate to counsel for all of the Interveners that the OEB will respond by Noon on Wednesday, October the 24th. It must be remembered that the OEB has set a forward date of Tuesday October 30th for submitting all written interrogatories to *HONI*, a date which is now only 7 days hence and will be but 3.5 business days away from such requested Noon decision.

The urgency of the situation demands the immediate reply from the OEB. We, with the other Interveners, await the Board's immediate reply. Please confirm receipt by e-mail or fax.

Yours truly,

FALLIS FALLIS & McMILLAN



Peter T. Fallis

PTF:mh

To:

Via E-Mail: gnettleton@osler.com

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Attention: Mr. Gordon Nettleton, Counsel

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Attention: Ms. Kirsten Walli -
Board Secretary

Via E-Mail: boardsec@oeb.gov.on.ca

To: ALL INTERESTED PARTIES AND INTERVENERS BY E-MAIL