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DATE: May 12, 2010

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COMMENTS/REMARQUES: <i>Re Ontario Energy Board Act, 1998</i> (Motion by Consumers Council of Canada re : s. 26.1 of the OEBA and Ontario Regulation 66/10) OEB File No. EB-2010-0184		

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May 12, 2010

VIA FAX (416) 440-7656

Ms. Giovanna Dragic
Senior Case Administrator
Ontario Energy Board
P.O. Box 2319
2300 Yonge Street, 27th Floor
Toronto, ON M4P 1E4

**Re: *Re Ontario Energy Board Act, 1998*
(Motion by Consumers Council of Canada re: s. 26.1 of the *OEBA*
and Ontario Regulation 66/10)
OEB file number: EB-2010-0184**

Dear Ms. Dragic:

We represent the Attorney General of Ontario in the above-noted matter. We have received the Board's Amended Notice of Hearing and Procedural Order No. 1, dated May 11, 2010.

The moving party in this matter, the Consumers Council of Canada, and the Attorney General of Ontario jointly request that the Board exercise its discretion under Rule 7.01 of the Board's Rules of Practice and Procedure to extend the timelines made in the Board's Amended Notice of Hearing and Procedural Order No. 1.

The basis for this request is as follows:

1. Counsel for the Attorney General of Ontario have not yet received instructions to intervene in this matter. The issues raised in this proceeding will require consultation between several branches of the Ministry of the Attorney General and the Ministry of Energy and Infrastructure. Additional time is required for consultation, receiving instructions, determining the position of the Attorney General, and preparing, reviewing and approving written argument.
2. We are advised that the Consumers Council of Canada may wish to adduce documentary and/or affidavit evidence with respect to one or more of the "preliminary questions" stated, which would require additional time. The Attorney General and any other parties or interveners

would then need to review the moving party's materials. Furthermore, although we do not anticipate at this time that we would adduce evidence on the "preliminary questions", we could only make a final determination after reviewing the moving party's materials.

Accordingly, we believe that a reasonable extension of time is necessary to the fair and just proceedings in this matter, and will ultimately enable the Board to deal with the matter in a fair and expeditious manner.

In this regard, we jointly propose the following timetable, subject of course to the Board's own schedule:

1. We propose moving the date for the moving party to file written argument from May 20, 2010 to May 31, 2010. We propose the same date for any productions/affidavit evidence from the moving party.
2. We propose that the date for filing responding written argument be moved to June 11, 2010. Responding productions/affidavit evidence, if any, would also be due at this time.
3. We propose that the hearing be scheduled for June 18, 2010.

Thank you very much for your consideration and response to this request.

Yours truly,



Janet E. Minor
General Counsel

cc: Robert Warren, Weir Foulds LLP
James Girling, Ministry of Energy and Infrastructure
Attorney General of Canada