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<i>Re: Ontario Energy Board and the Consumers Council of Canada</i>			
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June 10, 2010

3:45 pm

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Our File: 2-450704

Notre dossier:

Your File: EB-2010-0184

Votre dossier:

June 10, 2010

VIA FACSIMILE: 416-440-7656

Ontario Energy Board
P.O. Box 2319
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Attention: Board Secretary, Kirsten Walli

Re: Ontario Energy Board and the Consumers Council of Canada

On April 26, 2010 our office received a Notice of Constitutional Question in the above-noted matter from the Consumers Council of Canada ("CCC"). On May 3, 2010, my colleague, Roy Lee, responded to the Notice by advising the CCC and the Ontario Energy Board that the Attorney General of Canada **will not be** intervening in this matter and that there was no need to serve this office with anything further related to this matter at this stage.

In addition to the various materials received from the parties and the Board, on June 3, 2010, we also received in Appendix A to the Board's Decision a List of Intervenor whereby the Attorney General of Canada was listed as a party. I write at this time to ask that you remove the Attorney General Canada from the Intervenor list as a party and to reiterate our position that we **will not be intervening** at this stage of the proceeding.

However, we do reserve the right to intervene on appeal as outlined by s.109 of the Ontario *Courts of Justice Act* which prescribes that the parties must advise the Attorneys General of Canada and Ontario of any appeal or review of this matter in which the constitutional issue is raised.

Canada

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Thank you for your attention to this matter and please do not hesitate to contact me should you wish to discuss this further.

Yours truly,



Gillian Patterson
Counsel

Regulatory Law Division - Public Law Group

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