

**Ontario Energy
Board**
P.O. Box 2319
27th Floor
2300 Yonge Street
Toronto ON M4P 1E4
Telephone: 416- 481-1967
Facsimile: 416- 440-7656
Toll free: 1-888-632-6273

**Commission de l'énergie
de l'Ontario**
C.P. 2319
27e étage
2300, rue Yonge
Toronto ON M4P 1E4
Téléphone; 416- 481-1967
Télécopieur: 416- 440-7656
Numéro sans frais: 1-888-632-6273



June 24, 2010

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

Dear Ms. Walli:

**Re: Request to submit additional evidence and further extension for Board staff submission
Application for Electricity Retailer Licence – Direct Energy Marketing Limited (“Direct Energy”)
Board File Number EB-2010-0045**

Board staff has become aware of additional evidence that is related to the issues before the Board in this proceeding and requests the approval of the Board to have the evidence admitted.

Board staff is providing a copy to the Board on a confidential basis and asks that the Board not review the evidence until such time as Direct Energy has had an opportunity to make representations as to its admissibility.

This evidence was obtained by a Board inspector under section 107 of the *Ontario Energy Board Act, 1998* (the “Act”). The inspector carried out a formal review of Direct Energy’s business practices from January to December 2009. The inspector has provided this information to Board staff on a confidential basis in accordance with section 111 of the Act. The inspector has also provided Board staff with two letters from Direct Energy to the Board on these matters dated December 2008 and March 2009. It

is Board staff's view that the information is relevant to this proceeding as it directly relates to issues which are before the Board in Direct Energy's electricity retailer licence application. Board staff has provided a copy of the evidence to Direct Energy.

Section 110(3) of the Act states that no information obtained by an inspector under section 107 of the Act shall be introduced in evidence in a Board proceeding unless the Board gives the owner of the information notice that the inspector intends to introduce the evidence and the owner of the information is given an opportunity to make representations with respect to the intended introduction of the evidence. Board staff suggests that the Board allow Direct Energy two weeks from the date of this letter to make representations with respect to the admissibility of the evidence. If it is admissible, section 111(2) of the Act provides that the Board may then rule on whether the information is to be kept confidential. It is Board staff's view that as this additional evidence contains personal information of consumers, it should be kept confidential.

Board staff also requests that its submission on the application be filed two weeks after the Board makes a determination on the admissibility of this evidence.

Please forward this letter to Direct Energy.

Yours truly,

Original signed by

Judith Fernandes
Case Manager