



June 24th, 2010

DELIVERED BY E MAIL ONLY

Ontario Energy Board
27th Floor
2300 Yonge Street
P.O. Box 2319
Toronto, Ontario M4P 1E4

CASSELS, BROCK &
BLACKWELL LLP
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Our File No.: 37347-053

Attention: Ms. Kristen Walli, Board Secretary
E Mail: boardsec@oeb.gov.on.ca

Dear Sirs/Mesdames:

**Re: IN THE MATTER OF a Notice of Intention to Make an Order for Compliance,
Suspension and an Administrative Penalty Against Summitt Energy
Management, dated June 17th, 2010**

We have been asked to represent Summitt Energy Management Inc. in connection with the above-referenced matter and the companion Interim Order for Compliance, both dated June 17th, 2010.

Pursuant to the above-referenced Notice of Intention, our client is required to elect whether to request a Hearing, and communicate that election to the Ontario Energy Board (the "OEB"), by no later than July 2nd, 2010.

In order to properly advise our client, we have requested disclosure materials from legal counsel to the OEB. Legal counsel to the OEB has offered her co-operation by agreeing to make those disclosure materials available to us, and in fact, such disclosure was provided at approximately 12:30 pm today. As you can appreciate, the timing of receipt of this disclosure material is critical as we must now review and digest its contents in order to properly advise our client.

We understand that the OEB's office closed early yesterday due to the earthquake that impacted the area in and around Toronto. As a result, delivery of that disclosure material was delayed. To compound the unavoidable delay in delivery of the requisite disclosure material, much of the financial district of Toronto, including our law firm, is experiencing tremendous dislocation in consequence of the multinational G20 meetings which are now progress. We have decided to close our offices on Friday based upon the advice received from our security consultants, and extensive security measures instituted by law enforcement prevent clients from attending at our office as they are



unable to use our or surrounding parking facilities and are being impeded in their ability to gain access and egress to our building.

Realistically then, we will not be able to make a full and complete preliminary review of the anticipated disclosure materials until the first part of next week. With the July 1st statutory holiday next week as well, that does not afford us sufficient time to offer our client cogent advice on the important decision it must make concerning a potential request for a Hearing in this matter.

Accordingly, we are writing to request that you either reissue the Notice of Intention and in that fashion set a fresh 15 day response period within which our client may make a determination to request a Hearing, or you otherwise permit our client until July 16th, 2010 to decide whether to request and Hearing and communicate that decision to you..

We understand that OEB legal counsel does not anticipate taking an adverse position to this request.

We thank you in advance for your consideration of this request. Should you have any questions or wish to discuss this matter, please feel free to contact the undersigned.

Yours truly,

A handwritten signature in dark ink, appearing to read "Marc Mercier", written over a light blue horizontal line.

per: **Marc Mercier**

MM/mm

cc.

Maureen Helt, Legal Counsel, Ontario Energy Board
Summitt Energy Management Inc.