

**Ontario Energy
Board**
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**Commission de l'énergie
de l'Ontario**
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August 12, 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: Notice of Intention to Make an Order for Compliance, Suspension
and an Administrative Penalty under s. 112.3, 112.4 and 112.5 of the *Ontario
Energy Board Act, 1998***

EB-2010-0221

We are in receipt of Summitt's letter to the Board of today's date requesting that their motion, served and filed on August 4th, 2010 be heard on Monday August 23rd, 2010.

By way of Notice of Hearing, issued July 9, 2010 the Board set this matter down for hearing for the week of August 23, 2010 (the "Hearing"). On August 4th, 2010 Summitt filed a Notice of Motion. Summitt did not file any supporting materials. Compliance counsel, understanding that the Hearing was scheduled for August 23, 2010, filed its written submissions in response to the motion on August 11, 2010 and is ready to proceed with the motion any day next week.

Furthermore, Compliance counsel have 31 members of the public who are prepared to give testimony and attend the Hearing set to commence on August 23, 2010 . If the date of the Hearing is to be adjourned, Compliance counsel asks that they be in a position to advise the witnesses of that change prior to, rather than on the date of the motion, if possible.

Yours truly,
Original signed by,

Maureen Helt
Legal Counsel

cc. Marc Mercier, Counsel for Summitt
cc Stephen Selznick, Counsel for Summitt