

November 10, 2010

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Attention: Arif Virani

File 10606.00051

Ministry of the Attorney General
Constitutional Law Branch
720 Bay Street 4th Floor
Toronto, ON M7A 2S9

Dear Sir:

Re: Special Purpose Fund Motion/Ontario Energy Board File No. EB-2010-0184

There are two documents, referred to in the Affidavit of Barry Beale, sworn November 5, 2010, which are not attached to the affidavit. I would appreciate your providing copies of the documents. They are:

1. The "Memorandum of Understanding" referred to in paragraph 14 of Mr. Beale's Affidavit;
2. The "Contribution Agreement", referred to in paragraph 21 of Mr. Beale's Affidavit.

In the course of my cross-examination of Mr. Beale, I propose to ask him to provide copies of records which flow from statements in his Affidavit. It would expedite that cross-examination, and obviate the need for Mr. Beale to attend, on another occasion, to answer further questions, if you could provide copies of the records in advance. Those records are:

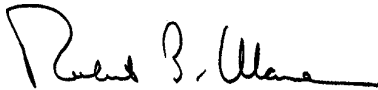
1. Any memoranda, correspondence, e-mail, reports, or other written materials connected with Mr. Beale's providing policy recommendations and advice, as referred to in paragraphs 2 and 3 of his Affidavit;
2. All records which the Ministry of Energy, or its predecessors, have with respect to energy conservation programs and the promotion of energy conservation programs, renewable energy programs, and demand reduction programs, including, but not limited to, the Home Energy Savings Program ("HESP") and the Ontario Solar Thermal Heating Incentive ("OSTHI"), from 2000 to date;
3. All records with respect to the funding for the programs referred to in item 2 above;

4. All records with respect to the “costs related to the conservation measures of fuels other than electricity” as referred to in paragraph 53 of his Affidavit;
5. All records of the amounts spent by the Ministry of Energy on the HESP and OSTHI programs from its own budget, referred to in paragraph 57(1) of his Affidavit;
6. Records of all expenditures, paid by the Ministry in 2009 and 2010, with respect to the “special purposes” set out in section 26.2 of the *Ontario Energy Board Act*;
7. All records of the Ministry of Energy with respect to the relationship between the HESP and the OSTHI and “long-term system planning and system reliability” concerns, as referred to in paragraph 7 of his Affidavit.

Your cooperation in providing these materials, to the writer and counsel for the other parties, at your earliest convenience, would be appreciated.

Yours very truly,

WeirFoulds LLP



Robert B. Warren

RBW/dh

cc: Peter Thompson
Michael Janigan
Ian Mondrow
Elizabeth DeMarco
George Vegh
Fred Cass

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