

November 19, 2010

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File 10606.00051

Kirsten Walli
Board Secretary
Ontario Energy Board
Suite 2701
2300 Yonge Street
Toronto ON M4P 1E4

Dear Ms Walli:

Re: EB-2010-0184/Schedule

As the Board will be aware, the cross-examination of Mr. Beale, from the Ministry of Energy, took place on Tuesday, November 16, 2010. During the course of Mr. Beale's cross-examination, he was asked to produce certain information and materials. In response to some of the requests, counsel for the Attorney General undertook to provide the information or materials. In response to other requests, counsel for the Attorney General took under advisement the question of whether she would provide the information or materials.

I have had discussions with counsel for the Attorney General about the timing of her response to the undertakings and her response to those matters that she took under advisement. The question of timing is important because, as the Board will be aware, certain parties are to deliver their written arguments by November 23, 2010. Counsel for the Attorney General advises that Ministry of Energy personnel are working on gathering the requested information and material, and that they expect to have it next week. In addition, counsel for the Attorney General will require time to review the material in order to determine whether she intends to produce it.

In the circumstances, it would seem to make sense to allow counsel for the Attorney General sufficient time to gather and review the requested information and material. If, following that review, there are differences among the parties as to what can and should be produced, the parties may be able to resolve the differences by off-line discussions. If those off-line discussions are unsuccessful, parties may wish to seek an order or orders from the Board requiring production of the information and materials.

Counsel for the Attorney General advises me that she expects to be able to respond to the requests for information and material, either by producing it or indicating that she will not produce it, by Friday, November 26, 2010. Counsel for the intervenors will then review the

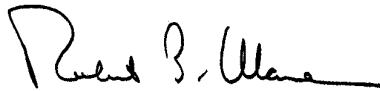
responses to determine what, if any, further steps they may wish to take with respect to the requests.

Accordingly, I respectfully request that the Board not proceed on the schedule set out in Procedural Order No. 6. Instead, parties will, on or before November 30, 2010, propose a new schedule for the completion of the proceedings.

I have reviewed this proposal with counsel for all parties and they are in agreement with it.

Yours very truly,

WeirFoulds LLP



Robert B. Warren

RBW/dlh

cc: Janet Minor, Ministry of the Attorney General
Arif Virani, Ministry of the Attorney General
Peter Thompson
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