

Ontario Energy Commission
P.O. Box 2319
2300 Yonge Street, 2701
Toronto (Ontario) M4P 1E4

To the attention of the Commission secretary

November 24, 2010

RE: EB-2010-0295

Madam,

Having read the notice that was published in the Kingston Whig-Standard of November 8, 2010, I feel that I must respond for various reasons.

Unfortunately, the notice reeks of complete hypocrisy in that instead of clearly presenting the matter on which we are to be consulted, the notice gives only scant information that does not really make it possible to understand what this is all about. As is surely the intent, very few people will have the courage to even do their homework and dig through it all to understand what it concerns. It would have been more honest to present all the relevant facts while noting that all the “costs and damages” that touch the “Affected Electricity Distributors” (only identified as “defendant class members”) are the result of the fact that the plaintiffs (ratepayers) have won, even if it is through an out of court settlement. What is definitely clear is that the “Affected Electricity Distributors” have lost!

This said, the “preliminary” question given in the notice, i.e. whether the “Affected Electricity Distributors” can recover the costs and damages from the ratepayers, is positively scandalous! On an ethical and moral plane, the question should not even be raised, as the answer is NO! In other words, the ratepayers have won and now they also have to pay? Is this to discourage future suits?

If the Commission members had a spine, they would be in a position to make the right decision. But, rather than exercising their responsibility, they prefer to hide behind article 19 and paragraph 78(2) of the Ontario Energy Board Act. Doing this, they protect their backside via a hypocritical “consultation” – which no doubt explains the opaque language of the notice as already mentioned above that guarantees a very low participation rate. One questions whether or not the individual Commission members have ever had an ethics and morals course somewhere along the line. Obviously, they did not choose to understand the implications of their decision to even raise these questions to the ratepayers.

For example, one may think of what happens when a public company is sued for one reason or another and that it loses its case in court. The question to ask is the following: are the shareholders of that company going to be asked to pay for costs and damages? We all know that this would not be the case, that it would never be acceptable. The

company leaders face their responsibilities and find the budgetary means to solve the problem. **Why, then, ask the ratepayers of the “Affected Electricity Distributors” to pay for the loss?** The managers responsible for these “Affected Electricity Distributors” are those who should be fined. Since this case took 16 years to be decided, it is obvious that these managers are probably not in the same positions and can be neither challenged nor sued and obligated to return the bonuses received for “excellent” work. **They are the ones who are responsible for imposing usury rates in violation of Section 347 of the Criminal Code:** they are thus the ones who should pay.

Although the second question of the notice is there only in the case the ratepayers must pay, which is not at all what this letter agrees with, it seems that something has to be said here about this question. To even “consult” to glean suggestions from the general public (ratepayers) as to how they should be “taxed” to recover these costs is ludicrous to say the least. Surely the Commission realizes that, as in the above example of the public companies and their shareholders, the only way to pay for costs and damages is for the “Affected Electricity Distributors” to create a new budget item and to modify their budgets accordingly. In the present case, the money will be found in the bonuses of the very many (146) current Chief Executive Officers as well as in various expenses that will have to be postponed until monies become available, just as it would have been done for public companies. Let us hope that the Commission will see the light and follow this course instead of wasting more money through their fruitless “consultations”.

Sincerely yours,

Anne-Marie Gabrini

A black rectangular redaction box covering the signature area.