



**FINANCIAL SERVICES DEPARTMENT  
KITCHENER UTILITIES**

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**BY E-MAIL & COURIER**

December 24, 2010

Ontario Energy Board  
Attn: Ms. Kirsten Walli, Board Secretary  
P.O. Box 2319  
2300 Yonge Street, 27<sup>th</sup> Floor  
Toronto, Ontario, M4P 1E4

Dear Ms. Walli:

**Re: Restated Code of Conduct for Gas Marketers (“GM Code”) – Request for Exemptions by the Corporation of the City of Kitchener – Utilities Division (“Kitchener”)**

Kitchener is the holder of a Gas Marketer License (GM-2009-0048) issued by the Ontario Energy Board (“Board”) on May 15, 2009. This License includes exemptions from the Code of Conduct for Gas Marketers dated December 20, 2004 (“Code”) as set out in Schedule 2 of GM-2009-0048.

These exemptions from the Code recognize that Kitchener is a municipally owned non-rate regulated gas distributor that provides a default (non contract) supply service at cost to customers within its franchise area who do not choose retail supply options from gas marketers. Kitchener has consistently requested exemptions from the Code and its previous versions only to the extent that the specific sections of the Code would otherwise conflict with Kitchener’s role as a municipally owned gas distributor providing default supply. The Board has granted Kitchener such exemptions in the past.

The GM Code comes into force on January 1, 2011 and replaces the existing Code. In keeping with its past practice and to preserve exemptions from sections of the Code that have been retained in the GM Code, Kitchener respectfully requests exemption from the following sections of the GM Code:

Part B – 1.1(a); 1.1(b); 1.1(c); 2; 3; 4; 5; 6; 7.1; 7.2; 7.4; 7.5; 7.6; 10  
Part C

December 24, 2010

*Ms. Walli*

Page 2 of 2

Thank you for your consideration of this request for exemptions from the GM Code. If there are any questions or concerns, please contact me at your earliest convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "James A. Gruenbauer". The signature is stylized with a large, looped initial "J" and "G".

James A. Gruenbauer, CMA  
Manager, Regulatory Affairs and Supply

Cc: W. Malcolm (Kitchener)  
J. Alick Ryder, Q.C. (RWBH)