



**FINANCIAL SERVICES DEPARTMENT  
KITCHENER UTILITIES**

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**BY E-MAIL & COURIER**

February 10, 2011

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: EB-2010-0407 – Application for Gas Marketer License Amendment – Request for Disposition by the Corporation of the City of Kitchener – Utilities Division (“Kitchener”)**

Further to the e-mail dated January 31, 2011 from Ms. Kuznetsova of Ontario Energy Board (“Board”) Staff, I am writing to provide our consent to disposition by the Board of Kitchener’s Application in these proceedings without a hearing pursuant to section 21(4)(b) of the Ontario Energy Board Act, S.O. 1998, Chapter 15, Schedule B, as follows:

*“...the Board determines that no person, other than the applicant, appellant or licence holder will be adversely affected in a material way by the outcome of the proceeding and the applicant, appellant or licence holder has consented to disposing of a proceeding without a hearing.”*

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 also facilitates retail competition in the supply and transportation of natural gas in its franchise area by providing bundled direct purchase service arrangements to end users and retail energy marketers.

Kitchener respectfully submits that neither end use customers, retail energy marketers nor any other parties will be adversely affected in any material way by the outcome of this proceeding. The outcome will not impact the competitive service framework or disadvantage any active party or party seeking to become active in Kitchener’s franchise area, in our respectful submission.

February 10, 2011

*Ms. Walli*

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Thank you for your consideration of these submissions and I trust they are satisfactory with respect to Kitchener's Application in these proceedings. If there are any questions or concerns, please contact me at your earliest convenience.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Gruenbauer', is positioned above the printed name.

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

Cc: I. Kuznetsova (OEB – Applications & Regulatory Audit)  
W. Malcolm (Kitchener)  
J. Alick Ryder, Q.C. (RWBH)