

February 22, 2011

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File: 10606.00051

VIA E-MAIL

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

Dear Ms Walli:

Re: EB-2010-0184/Motion

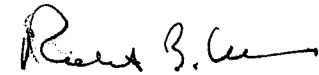
In his letter to you of February 11, 20011, Mr Virani asked that the timetable for the hearing of my motion, seeking, among other relief, the production of unredacted versions of materials provided in response to matters taken under advisement in the cross-examination of Mr. Beale, be vacated. The premise for this request was the stated desire to seek instructions on whether to advance yet another ground for refusing production. I had agreed to the request, on the promise, by Mr. Virani and his colleagues, that they would obtain those instructions quickly.

It is now apparent that the Attorney General is not going to seek those instructions quickly, and that there will be yet more delay in dealing with this matter. As a result, I no longer consent to a delay in the scheduling of my motion. I have extended courtesy after courtesy to the Attorney General, with the result that a matter of serious concern to my clients, and to the ratepayers of Ontario, has been left in abeyance for an unacceptably long time. That cannot continue.

I ask that the hearing of my motion be scheduled at the earliest date convenient to the Board.

Yours very truly,

WeirFoulds LLP

A handwritten signature in black ink, appearing to read "Robert B. Warren", written in a cursive style.

Robert B. Warren

RBW/dlh

cc: Ministry of the Attorney General
Attention: J. Minor and A. Virani
cc: All Parties
cc: Joan Huzar
cc: Aubrey LeBlanc
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