

February 22, 2011

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VIA E-MAIL

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/Motion

I have received a copy of Mr. Charney's letter to you of February 22, 2011.

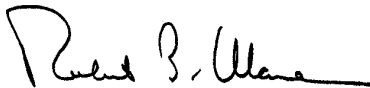
Mr. Charney would benefit from a discussion with Mr. Virani and Ms Minor. In our conversation, on February 11, 2011, Ms Minor and Mr. Virani agreed that it did not make sense to set a schedule for the hearing of my motion until they had determined whether they would be claiming public interest immunity and filing an affidavit in support of that claim. It still does not make sense.

What Mr. Charney has to do is tell the Board whether he intends to claim public interest immunity, whether he will be filing an affidavit in support of that claim, and when the affidavit will be filed. He should be able to do that by tomorrow. With that information in hand, the Board can set out a schedule.

We continue to have to wait while the Attorney General decides what it is doing. That is no longer acceptable.

Yours very truly,

WeirFoulds LLP



Robert B. Warren

RBW/dlh

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