



McCarthy Tétrault LLP  
Barristers & Solicitors  
Box 48, Suite 5300  
Toronto Dominion Bank Tower  
Toronto, ON M5K 1E6

**Kristyn Annis**  
Dir: 416.601.7624  
kannis@mccarthy.ca

**Thomas Isaac**  
Dir: (604) 643-5987  
tisaac@mccarthy.ca



Blake, Cassels & Graydon LLP  
Barristers & Solicitors  
Patent & Trade-mark Agents  
199 Bay Street  
Suite 4000, Commerce Court West  
Toronto ON M5L 1A9 Canada  
Tel: 416-863-2400 Fax: 416-863-2653

**Catherine Powell**  
Dir: 416-863-4010  
catherine.powell@blakes.com

April 18, 2011

**VIA E-MAIL and RESS**

Board Secretary  
Ontario Energy Board  
P.O. Box 2319, 26th Floor  
2300 Yonge Street  
Toronto, Ontario  
M4P 1E4

**Attention: Ms. Kirsten Walli**

Dear Ms. Walli:

**Re: ACH Limited Partnership, Application for Licence Amendment, EB-2011-0065; and  
AbiBow Canada Inc., Application for Licence Amendment, EB-2011-0068**

By letter dated April 17, 2011, counsel for the First Nations requested that he be granted an extension of time to at least May 6, 2011 to respond to the Applicants' objection to his clients' request for intervenor status. Specifically, counsel states that this extension of time is necessary to provide the time to file "extensive Affidavit evidence and complete legal argument to support the assertions made in my letter of April 5, 2011."

The Applicants submit that this request should not be granted.

The Applicants' response to the intervention request specifically stated that, even if all of the assertions made in the April 5, 2011 letter are true, intervenor status should be denied because the First Nations will not be impacted by the order being sought in this proceeding, namely, changing ACH (the current owner of the generating facilities) to the operator of the facilities under ACH's existing generation licence. Thus, it is not necessary for counsel to prepare "extensive Affidavit evidence and complete legal argument to support the assertions made in my letter of April 5, 2011." It is respectfully submitted that the Board has enough information before it to determine whether intervenor status should be granted.

This application was filed on March 3, 2011. In the normal course, a determination of this type of application would take approximately 60-90 days. Granting the First Nations 22 days to respond to an objection to their intervenor status is both an extraordinary request and one that, if granted, could seriously prejudice the timely completion of this proceeding.

The Applicants therefore submit that the Board should deny this request and determine the First Nations' application for intervenor status on the basis of the materials already filed.

All of which is respectfully submitted.

Yours truly,

*Signed in the original*

Thomas Isaac  
McCarthy Tétrault LLP

*Signed in the original*

Catherine Powell  
Blake, Cassels & Graydon LLP

*Signed in the original*

Kristyn Annis  
McCarthy Tétrault LLP

c: Douglas Keshen  
Jim Gartshore/VP Energy and GM, ACH LP  
Alice Minville, Senior Counsel, AbitibiBowater Inc.