

Our File: 267972

Your File: EB-2010-0184

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Mr. Michael Millar, Legal Counsel
Ontario Energy Board
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Toronto, ON M4P 1E4

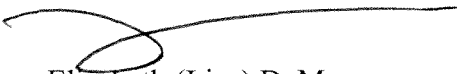
Re: Motion by the Consumer's Council of Canada ("CCC") and Aubrey LeBlanc in relation to s. 26.1 of the *Ontario Energy Board Act*, 1998 (the "Act") and Ontario Regulation 66/10

Dear Mr. Millar:

We are counsel to the Association of Power Producers of Ontario ("APPrO") in the above-mentioned matter. APPrO will not be in attendance for the hearing of the disclosure motion tomorrow, but it trusts that this letter and its support for the CCC disclosure motion will be read into the record. APPrO is in support of the Consumer's Council of Canada's motion to compel the production of unredacted documents from the Attorney General and compel Mr. Beale's re-attendance for examination. APPrO is of the view that both the redacted policy documents and Mr. Beale's further evidence will be very relevant to the Board's ultimate determination of whether the Special Purpose Charge is in pith and substance a regulatory charge or an indirect tax, *ultra vires* the Government of Ontario. In the absence of clear evidence of prejudice and privilege, the Attorney General should err on the side of full and fair disclosure of documents relied upon in the democratic process.

Yours truly,

Macleod Dixon LLP



Elisabeth (Lisa) DeMarco

Copy to: Mr. David Butters