

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

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.

Blakes

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

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

Signed in the original

Thomas Isaac McCarthy Tétrault LLP Catherine Powell Blake, Cassels & Graydon LLP

Signed in the original

Kristyn Annis McCarthy Tétrault LLP

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