

May 31, 2011

Robert B. Warren
T: 416-947-5075
rwarren@weirfoulds.com

VIA E-MAIL

Rosemarie T. Leclair, Chair
Ontario Energy Board
Suite 2701
2300 Yonge Street
Toronto ON M4P 1E4

Dear Ms Leclair:

Re: EB-2010-0184

I write, as counsel to the Consumers Council of Canada and Aubrey Leblanc (the "Applicants"), to request an interim cost award.

On September 14, 2010, the Board issued Procedural Order No. 5, which made provision for eligible parties to file cost claims for costs incurred in the matter up to August 5, 2010. Pursuant to that Order, a cost claim was filed on Friday, September 24, 2010. By Order dated December 23, 2010, the Board ordered payment of the claim.

Since August 5, 2010, the work on the proceeding has continued. On November 5, 2010, the Ministry of the Attorney General filed the Affidavit of Barry Beale and Mr. Beale was cross-examined on that Affidavit on November 16, 2010. The examination resulted in the undertaking to produce a number of documents. The documents so produced were redacted. We filed a notice of motion for, among other things, orders to produce unredacted documents, and for the re-attendance of Mr. Beale to answer further questions arising from the production of the unredacted documents. That motion was heard on April 21, 2011. The Board's decision on the motion was reserved and is pending.

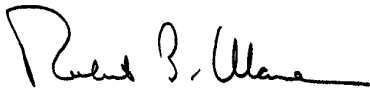
In these circumstances, it is reasonable to assume that a final decision in this matter, including one dealing with a final award of costs, will not be made for some time. In light of this, we respectfully request that the Board make a second interim award of costs for the period August 6, 2010, to the end of the hearing of the motion, April 21, 2011. Doing so would help offset the financial burden, on the Applicants, of what you will appreciate is a costly proceeding.

We are copying this letter to counsel for the other intervening parties. We are not copying Counsel for the Attorney General, as no claim for costs is being made by or against the government.

Your attention in this matter is appreciated.

Yours very truly,

WeirFoulds LLP

A handwritten signature in black ink, appearing to read "Robert B. Warren", written over a horizontal line.

Robert B. Warren

RBW/dh

cc: P. Thompson, Counsel for the Canadian Manufacturers & Exporters
cc: Michael Janigan, Counsel for the Vulnerable Energy Consumers Coalition
cc: George Vegh, Counsel for Union Gas Ltd.
cc: Elisabeth DeMarco, Counsel for the Association of Power Producers of Ontario
cc: Ian Mondrow, Counsel for the Industrial Gas Users Association

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