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**BY E-MAIL and FAX (416) 440-7656**

June 9, 2011

Ms. Kirsten Walli, Board Secretary  
Mr. Michael Millar, Legal Counsel  
Ontario Energy Board  
2300 Yonge Street, 27<sup>th</sup> Floor  
Toronto, ON M4P 1E4

Dear Ms. Walli and Mr. Millar:

**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**

**Board File No.: EB-2010-0184**

**Decision and Order, June 8, 2011 (re: CCC Interlocutory Motion for production of unredacted materials)**

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We acknowledge receipt of the Board's decision, dated June 8, 2011, in the above-noted interlocutory motion.

Counsel is currently reviewing the decision, and seeking instructions respecting whether to appeal all or part of the decision to the Divisional Court. In the normal course, pursuant to s.33(2) of the *Ontario Energy Board Act* ("Act"), a party has 30 days within which to commence such an appeal. In the instant case, however, the Board has ordered compliance with its decision within 6 days, by June 14, 2011.

As the documents at issue include material provided to both the Minister of Energy, and the Cabinet of the Government of Ontario, obtaining instructions requires the receipt of directions from very senior levels of government. In addition, lead counsel for the Attorney General of Ontario, Mr. Robert E. Charney is presently out of the country on scheduled vacation, and will not be returning to the office until June 13, 2011.

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To facilitate the receipt of instructions respecting appeal, we respectfully request an extension to the deadline ordered for compliance by the Board to July 8, 2011, or 30 days from the date of the decision, in accordance with s.33 of the *Act*. Following the receipt of instructions, counsel undertakes to promptly communicate with both the Board and all other parties.

In addition, we note that s.33(6) provides that the decision of the Board is not automatically stayed pursuant to an appeal to the Divisional Court. In the event of such an appeal, counsel will be seeking a stay of Board's decision, as, in our respectful submission, not granting a stay would render any appeal respecting the disclosure of redacted material moot.

Yours very truly,



Arif Virani  
Counsel

cc: Robert Warren, Counsel for the Moving Parties, Consumer's Council of Canada &  
Aubrey LeBlanc (by email)

All Intervenors (by email)