

June 9, 2011

**Robert B. Warren**  
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File 10606.00051

Kirsten Walli  
Board Secretary  
Ontario Energy Board  
Suite 2701  
2300 Yonge Street  
Toronto ON M4P 1E4

Dear Ms Walli:

**Re: EB-2010-0184**

We have received a copy of Mr. Virani's letter to you of June 9, 2011. In that letter he asks that you extend the deadline for compliance with the Board's decision, dated June 8, 2011, to July 8, 2011.

It is not my practice, nor is it my personal inclination, to oppose reasonable requests by counsel for extensions of time. However, in this circumstance, I must make an exception.

Over the course of this proceeding, counsel for the Attorney General has made repeated requests for extensions of time. An array of reasons has been given for those requests. In each case, as a courtesy to counsel for the Attorney General, I have not opposed those requests. The result, however, is that we are now more than a year from the time of the filing of our clients' original application, and we are not remotely close to a resolution of the substantive issue.

Counsel for the Ministry of the Attorney General repeatedly argues that it is difficult to get instructions. That is a problem that counsel for the Attorney General should manage in a way which does not inconvenience all of the other parties, the Ontario Energy Board and, indeed, the ratepayers of the Province of the Ontario.

Counsel for the Attorney General claims that delay is required because Mr. Charney is on vacation. The Attorney General's office is not a tiny law firm. There are dozens of lawyers able to deal with the narrow issue at hand. Mr. Charney replaced Ms Minor. If Mr. Virani feels he can't handle the matter by himself, surely Ms Minor or someone else can.

The resolution of the substantive issue is important to my clients and, indeed, to all electricity ratepayers in Ontario. It is perhaps understandable that the government of Ontario is in no

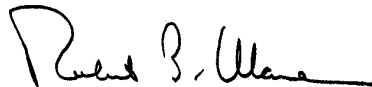
hurry to return the \$53 million it directed the Board to have electricity distributors collect from ratepayers. But the repeated delays, at the request of the Attorney General, now amount to a gesture of contempt for the legitimate interests of electricity ratepayers.

Simply put: further delay in this matter is unacceptable.

I respectfully request that you deny Mr. Virani's request for a further extension of time in this matter, and that he be required to comply with the terms of your order of June 8, 2011.

Yours very truly,

**WeirFoulds LLP**

A handwritten signature in black ink, appearing to read 'Robert B. Warren', with a stylized flourish at the end.

Robert B. Warren

RBW/dh

cc: Ministry of the Attorney General  
Attention: Mr. A. Virani  
cc: Consumers Council of Canada  
cc: Aubrey LeBlanc  
cc: All Parties