



**EB-2010-0184**

**IN THE MATTER OF** the *Ontario Energy Board Act, 1998*,  
S.O. 1998, c. 15, Schedule B;

**AND IN THE MATTER OF** a motion by the Consumers  
Council of Canada in relation to section 26.1 of the *Ontario  
Energy Board Act, 1998* and Ontario Regulation 66/10.

**BEFORE:** Cathy Spoel  
Presiding Member

Paula Conboy  
Member

**SUPPLEMENTARY DECISION AND  
PROCEDURAL ORDER NO. 11**

On June 8, 2011, the Board issued a Decision and Order (the “June 8<sup>th</sup> Decision”) on a motion by The Consumers Council of Canada and Aubrey LeBlanc (collectively “CCC”). The motion was for production of complete and unredacted copies of documents provided by the Attorney General of Ontario (the “Attorney General”) in response to questions taken under advisement during the examination of Barry Beale (“Mr. Beale”) on November 16, 2010 and for an order compelling the re-attendance of Mr. Beale to answer further questions arising from the production of these documents.

The June 8<sup>th</sup> Decision required the Attorney General to file with the Board and serve on intervenors in this proceeding copies of the unredacted documents in accordance with the June 8<sup>th</sup> Decision by June 14, 2011. This date was later extended to June 30, 2011.

On June 30, 2011, the Attorney General filed with the Board copies of the unredacted documents in accordance with the June 8<sup>th</sup> Decision. Furthermore, in a letter dated

June 30, 2011, the Attorney General noted that with respect to the Attorney General's response to undertakings JT 1.6 and 1.7, Exhibit 3, "Legislation and Regulations Committee: Ministry Approval Form", the June 8<sup>th</sup> Decision does not address the redactions at page 6 under the headings:

- s.8 Other Jurisdictions and Harmonization; and
- s.9 Communications.

The Board acknowledges that the June 8<sup>th</sup> Decision does not specifically address these redactions. These redactions deal with approaches in other jurisdictions and communications. They are not relevant and their disclosure may be prejudicial. They need not be disclosed.

In its letter dated June 30, 2011, the Attorney General also indicated that Mr. Beale is available for cross-examination on July 20-22 and July 25-29, 2011. On July 4, 2011, counsel for CCC filed a letter with the Board indicating his availability on any of those dates. On July 4, 2011, the Board received an e-mail from the Attorney General indicating that counsel for the Attorney General will not be available on July 20, 26, or 29.

The Board considers it necessary to make provisions for the following matters related to this proceeding. The Board may issue further procedural orders from time to time.

**THE BOARD THEREFORE ORDERS THAT:**

1. The Attorney General's witness, Mr. Beale will re-attend for additional cross-examination regarding the Attorney General's evidence on **July 25, 2011, at 9:30 a.m.** in the Board's hearing room at 2300 Yonge Street, 25th Floor, Toronto, Ontario. This session will be transcribed and will form part of the record of this proceeding. No Board members will be in attendance.

**ISSUED** at Toronto, July 6, 2011

**ONTARIO ENERGY BOARD**

*Original signed by*

Kirsten Walli  
Board Secretary