



## **Jay Shepherd**

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### **BY EMAIL and RESS**

September 7, 2011  
Our File No. 20110038

Ontario Energy Board  
2300 Yonge Street  
27<sup>th</sup> Floor  
Toronto, Ontario  
M4P 1E4

### **Attn: Kirsten Walli, Board Secretary**

Dear Ms. Walli:

### **Re: EB-2011-0038 – Union Gas – CME Motion**

We are counsel for the School Energy Coalition. We have reviewed the submissions of CME in this motion, and advise that SEC supports their position. At this point, we have nothing further to add, as we have not yet seen Union's full rationale for their refusal. We expect to appear on the oral hearing of the motion.

We note that Union has filed their own motion, seeking the Board's permission to breach the confidentiality of the 2010 ADR negotiations in order to disclose information allegedly provided to the parties, but not placed on the public record. SEC proposes to make submissions on that motion when and in the manner that the Board determines.

All of which is respectfully submitted.

Yours very truly,  
**JAY SHEPHERD P. C.**

Jay Shepherd

cc: Wayne McNally, SEC (email)