

September 28, 2011

VIA RESS AND COURIER

Ms. Kirsten Walli
ONTARIO ENERGY BOARD
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File No. T986716

Dear Ms. Walli:

Re: EB-2010-0184 – Ontario Energy Board – 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

Industrial Gas Users Association (IGUA) Participation

Further to Procedural Order No. 12 herein, all parties have now filed their written final arguments with the Board. IGUA, which is a registered intervenor in this matter, has not filed written argument.

As noted in earlier correspondence with the Board¹, following the early stages of this proceeding including the initial examinations of the government's affiant, Mr. Beale, IGUA has maintained a watching brief on this proceeding, but has not otherwise been active before the Board. IGUA's decision to confine its role to one of monitoring in the later stages of this proceeding is the result of discussions that IGUA had directly with Ministry Staff and ultimately statements made in the Ontario legislature by the Minister of Energy indicating that the Government did not intend to proceed to recover any *Ontario Energy Board Act, 1998* section 26 charges from Ontario's gas ratepayers.

IGUA has reviewed the arguments filed by the other parties herein to confirm that the status of assessment of section 26 charges for recovery from Ontario's gas ratepayers has not been directly engaged in the arguments. Accordingly, while IGUA retains an interest in the outcome of this process, we wish to advise the Board and the other parties that IGUA does not intend to appear for oral the argument of the motion scheduled for October 6th.

¹ Letter dated June 20, 2011 filed on behalf of IGUA with IGUA's interim Statement of Costs of even date.

We would appreciate it if you could so advise the Hearing Panel.

Yours truly,



Ian A. Mondrow

c: Murray Newton (IGUA)
Robert Warren, WEIRFOULDS LLP (CCC)
Arif Virani, ATTORNEY GENERAL OF ONTARIO
Mahmud Jamal, OSLER, HOSKIN & HARCOURT LLP (Board Staff)
Intervenors of Record

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