



November 4, 2011

Ontario Energy Board
P.O. Box 2319
2300 Yonge Street
27th Floor
Toronto, ON M4P 1E4
Attention: Ms. Kirsten Walli, Board Secretary

Dear Ms. Walli:

Re: Late Submission by Mr. Potomski (EB-2011-0291)

On November 2, 2011, Mr. Potomski filed a submission in the above noted proceeding. The submission must not be considered by the Board in reaching its Decision.

The Board's Revised Notice of Application and Written Hearing dated September 29, 2011 (the "Notice") stipulated that parties other than the applicant were required to make submissions no later than October 18, 2011.

Mr. Potomski filed a submission dated October 4, 2011 in which he raised jurisdictional issues. The Board acknowledged receipt of that submission on October 13, 2011 and invited Mr. Potomski to make submissions on the merits of the application "within the timelines established in the Board's Notice of Application and Written Hearing dated September 29, 2011."

On October 25, 2011, pursuant to the Notice, EnWin filed its submission as the applicant.

On November 2, 2011, Mr. Potomski filed an additional submission ("November 2 Submission"). The Board has posted that submission on its website.

The November 2 Submission is prejudicial to EnWin: it was filed after the October 18, 2011 deadline and, even more so, it was filed following EnWin's October 25, 2011 submission.

Importantly, Mr. Potomski had adequate notice as a result of the Notice. Moreover, in this case the Board extended a special, personally addressed further notice in the form of the October 13, 2011 letter – a step that the Board was not obligated to take.

The November 2 Submission should not have been accepted by the Board, must be removed from the Board's public record, and must not be given any consideration by the Board in reaching its Decision in this proceeding.

EnWin requests that the Board Decision confirm the removal of the November 2 Submission and confirm that the Board has not had regard for the November 2 Submission in reaching its Decision prior to addressing the issues properly raised during this proceeding.

Respectfully,

EnWin Utilities Ltd.

A handwritten signature in blue ink, appearing to read "Andrew J. Sasso". The signature is fluid and cursive, with the first name "Andrew" and last name "Sasso" clearly distinguishable.

Per: Andrew J. Sasso
Director, Regulatory Affairs