

November 7th, 2011.

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

Dear Ms. Walli:

**Re: Board Staff Interrogatories
Electricity Retailer Licence Application
Blue Power Distributed Energy Corp.
Board File Number EB-2010-0335**

Please accept the following response to Bluewater Distribution Corporation's submission on our renewal application for an electricity license dated October 19th, 2011. The responses correspond to their questions.

- **Question 1(a):** This is a license renewal matter between the Board and Blue Power. As such our communication is with the Board and it's up to the Board in granting a renewal to restrict Blue Power's activities if required.
- **Question 1(b):** Bluewater is attempting to use the licensing process to prevent competition in their market. This is a matter for the Competition Bureau. We would not agree to this nor do we see any reason as our gas and water heater business is operated under morEnergy.
- **Question 1(c):** No we would only accept a restriction on marketing electricity in Bluewater's territory under the Blue Power name.
- **Question 1(d):** No we would not agree to this. Once again Bluewater is attempting to limit competition in areas where they don't do business and for products they don't offer or are not the subject of the license application or the jurisdiction of the Ontario Energy Board.
- **Question 2:** Current shareholders acquired the company in 2005. We don't have a NUANS report or any communication between the previous owners and their lawyer.
- **Question 3:** No we are not marketing electricity in Bluewater territory. We would like to bring to the Board's attention that we don't have a billing agreement with Blue Water. They have declined our requests. Practically we are not able to market electricity in Bluewater territory for this reason. We do however market in Lambton County.
- **Question 4:** All training material has been previously provided to the OEB and their auditors.

- **Question 5(a):** Blue and gold are colours shared by many companies in their logo designs. These colours are consistent with the colours adopted by the morEnergy family of companies. With respect to the stylistic use of the letter “o” we point out to the Board that no reasonable person would confuse the two logos as being the same or similar. Finally we don’t maintain these types of records dating back to 2005.
- **Question 5(b):** Blue Power does not maintain records of this nature dating back to 2005.

Finally we would like to point out to the Board that the licensing process is not, in our view, the venue to turn the clocks back on, what clearly is an oversight on the part of Bluewater, to protect its trade name and mark. Blue Power was granted and still holds a power generation license from the OEB. This license dates back to 2003. At no time has Bluewater raised any concerns with respect to this license. Furthermore, Canadian law requires the holder of a trade name or mark to protect that mark. It is not the role of the OEB as it is not the role of the corporate registrar

Sincerely,



John Nassar
President

cc. Judith Fernandes, Case Manager, Ontario Energy Board.
Alex Palimaka, Bluewater Power Distribution Corporation (via email)