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November 22, 2011

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

**Re: Bluewater Power Submission**  
**Re: EB-2010-0335**

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We are in receipt of Blue Power Distributed Energy Corp.'s ("Blue Power") response to Interrogatories dated November 7, 2011. This submission is provided in response.

Before making our submission, we note that Blue Power has failed to provide the information requested. The current ownership and management claim not to have access to the requested information. The records requested in our Interrogatories represent information that ought to belong to the Corporation the current management have inherited, and they ought to have been able to provide the requested documentation.

In any event, Bluewater Power's submissions are as follows:

- (1) Blue Power seems to be of the view that Bluewater Power is seeking to protect our business from competition. We are not in competition in any way with the business offerings of Blue Power. The purpose of our intervention is to protect our customers from misinformation. That misinformation is the inaccurate conclusion that Blue Power and Bluewater Power are related companies.
- (2) Bluewater Power submits that the suggestion that we ought to pursue this matter through the Competition Bureau or an application to protect our trademark is misguided. It is our view that would be like hitting a "mosquito with a sledgehammer" when a much more reasonable remedy is available through the OEB, whose mandate coincides with our interest of protecting consumers.
- (3) Bluewater Power notes that Blue Power has acknowledged that they "will only accept a restriction on marketing electricity in Bluewater's territory under the

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Blue Power name.” It is our submission that customers of Bluewater Power occupy all corners of Lambton County and residents often have a difficult time differentiating between Bluewater Power and the other distribution provider (Hydro One). Therefore, our submission is as follows:

- a. The restriction ought to apply to the whole of Lambton County; and
- b. The mechanism through which the OEB ought to impose the restriction is by carving out Lambton County from Blue Power’s licensed territory, rather than relying upon what would otherwise be a voluntary restriction not to market “under the Blue Power name.”

We thank the OEB for the opportunity to make these submissions.

Sincerely,



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cc: Mr. John Nassar, Blue Power Distributed Energy Inc. (via email)