



GARDINER ROBERTS

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File No.: 97294

December 5, 2011

VIA COURIER

Ms. Kirsten Walli
Secretary
Ontario Energy Board
Suite 2700, 2300 Yonge Street (27TH Floor)
P.O. Box 2319
Toronto, ON M4P 1E4

Dear Ms. Walli,

Re: EB-2011-0144

I enclose herewith the following documents:

1. The Affidavit of Luc Major, sworn December 1, 2011;
2. The Written Submissions of Goldcorp - Preliminary Issues; and
3. Book of Authorities in Support of Goldcorp's Written Submissions.

Goldcorp requests an amendment to Procedural Order No.1 to require parties identified in Appendix A or Appendix B, new Intervenor and Board staff to file a summary of their submissions with the Board and deliver a copy to all other parties by December 14, 2011, instead of December 15, 2011.

Goldcorp requests this amendment because the Board gave Goldcorp six (6) business days to prepare, file and deliver its Written Submissions. It has given Intervenor seven (7) days to prepare theirs in response when usually respondents get less time than applicants to prepare written submissions because the burden of applicants is always heavier.

Also, under Procedural Order No. 1 as it now reads, by the December 19, 2011 hearing date, Intervenor and Board staff will have had a total of 14 business days to review, analyze and respond to Goldcorp's submissions while Goldcorp will only have had only one (1) day to review, analyze and respond to their written submissions.

Goldcorp submits that this is not procedurally fair. Goldcorp's procedural fairness concerns would evaporate if the Board were to make Goldcorp's requested change to Procedural Order No. 1.

Yours truly,

GARDINER ROBERTS LLP

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