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January 5, 2012

Secretary,
for the Ontario Energy Board
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Re: OEB # EB-2011-0291

Dear Board,

I am in receipt of the letter of Mr. Andrew Sasso, dated January 5, 2012, to the Ontario Energy Board (OEB) and am left a bit perplexed as to its purpose.

I would hope that Mr. Sasso's letter is not an attempt to prolong the hearing of the appeal. It is my position that it would be in both the public's and the consumer's interest to have this matter dealt with before the Ontario Energy Board in an expeditious and cost effective manner.

I believe Mr. Sasso's understanding of my actions may not be correct. As such I would like to make the following comments for the purpose of clarity:

1. On August 8, 2011, Enwin Utilities Ltd. (Enwin) filed an application that was referenced by OEB # EB-2011-0291.
2. In correspondence dated October 4, 2011 and November 2, 2011, I, R.J. Potomski (RJP), opposed the application of Enwin.
3. On or about December 12, 2011 an order was issued on Enwin's application under OEB # EB-2011-0291 that "was made by an employee of the under the authority of section 6(1) of the OEB Act."¹
4. The written authorization for an employee of the OEB to make a decision, as required by section 6(1) of the OEB Act, was not included with the decision nor was served on RJP.

¹ See last paragraph of the reasons for the decision of Jennifer Lea, dated December 12, 2011

5. Contrary to Mr. Sasso's letter, on December 27, 2011 the Notice of Appeal of the decision of Jennifer Lea, dated December 12, 2011, was served and filed in a timely fashion pursuant to Section 7(1) of the OEB Act.
6. On January 4, 2012 the Supplementary Notice of Appeal of RJP was served and filed.

It is my position that the processes as put forth under the Ontario Energy Board Act and its regulations have been followed. As such this matter is required to be heard by a panel of the Ontario Energy Board and not by "Board Staff".

The Staff of the Ontario Energy Board does not have jurisdiction to hear an appeal of his/her peer. The position of a Staff member of the OEB is not unlike that of a Superior Court Justice not being able to hear an appeal on the decision of another Superior Court Justice.

It is my understanding at this point, the Ontario Energy Board may make a decision that may include but not limited to any of the following:

1. Defer this matter for adjudication before the Registrar of the Collection Agencies Act.
2. Request a response from the Respondents.
3. Make a preliminary decision as to whether the appeal should or should not be heard.
4. Make a final decision on the appeal with the material before it.
5. Set a date for the hearing of the appeal.

I do not understand the purpose of Mr. Sasso's procedural questions in paragraph 3 of his letter. As such I will await the position of the OEB in this matter.

Sincerely,



R. J. Potomski

cc A.J. Sasso - regulatory@enwin.com
Jennifer Lea - jennifer.lea@ontarioenergyboard.ca