

February 7, 2012

BY COURIER (2 COPIES) AND EMAIL

Ms. Kirsten Walli

Board Secretary

Ontario Energy Board

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Email: boardsec@oeb.gov.on.ca

Dear Ms. Walli:

Re: EB-2011-0327 – Union Gas – 2012-14 DSM Plan

We write on behalf of Pollution Probe to respond to Mr. Smith's recent letter and to explain why we believe written submissions would be fair, normal, and appropriate in these circumstances.

First, our client would like to review the transcript of cross-examinations prior to submitting final argument. This is only possible if written submissions are made after the hearing.

Second, written submissions will not cause undue delay. Pollution Probe has committed to providing submissions on Wednesday, February 15, 2012, two days after the oral hearing.

Third, Pollution Probe has not caused undue delay and is not seeking special treatment. *Procedural Order No. 4* states that, "absent a complete settlement," an oral hearing will begin on February 13, 2012. In seeking a hearing on the contested DSMVA issue, Pollution Probe is squarely within the process set out in the order and is not causing unjustified delay. Furthermore, it is not at all unusual or inappropriate to provide written submissions following a hearing.

Fourth, the Board can ask questions regarding Pollution Probe's position whether or not written submissions will be provided. We will be prepared to answer questions from the Board on Monday regardless.

Please do not hesitate to contact me if you have any questions.

Yours truly,



Kent Elson

cc: Applicant and Intervenors by email