

**Ontario Energy  
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**Commission de l'énergie  
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**BY E-MAIL**

July 9, 2012

Mr. James Calnan  
QDM Associates  
133 Peel Street  
Brantford, ON N3S 5M6

Dear Mr. Calnan:

**Re: Brant County Power Inc.  
Section 80, Notice of Proposal  
Board File Number EB-2012-0077**

This is in response to your letter dated June 8, 2012.

Upon receiving a Notice of Proposal pursuant to section 80 of the *Ontario Energy Board Act, 1998*, the Board has the discretion to review – or to not review – the proposal. With respect to the above-referenced Notice of Proposal, the Board wrote to Brant County Power Inc. on June 6, 2012, as a courtesy, to indicate to the filer that the Board would not be reviewing the proposal. The OEB Act does not require the Board to provide such correspondence. In fact, the OEB Act simply provides that in the absence of a Board approval or the Board's issuance of a notice of review of the proposal within 60 days, then no proceeding relating to the proposal will be commenced. The exercise of discretion to not review a Notice of Proposal filed pursuant to section 80 of the OEB Act is not a decision of the Board that is subject to review or appeal.

With regard to the matter of Brant County Power Inc.'s three generation facilities for which a Notice of Proposal had not been filed prior to their construction, this is a separate matter that will be considered in accordance with the Board's compliance processes.

Yours truly,

*Original signed by*

John Pickernell  
Assistant Board Secretary

cc Mr. Scott Stoll, Counsel, Aird & Berlis LLP, Brant County Power Inc.  
Mr. Bruce Noble, Brant County Power Inc.