



120 Adelaide Street West, Suite 2500
Toronto, ON M5H 1T1
Tel: (416) 644-1568
Email: ataylor@energyboutique.ca

April 10, 2013

Ms. Kirsten Walli, Board Secretary
Ontario Energy Board
2300 Yonge Street
27th Floor
Toronto, ON M4P 1E4

Dear Ms. Walli:

Re: EB-2012-0423

I am counsel to Bluewater Power Distribution Inc. ("Bluewater"). On behalf of Bluewater, I am writing in response to the *Notice of Request for Confirmation of Distribution Licence Exemption* (the "Notice") in the above-referenced matter.

According to the Notice, the Board currently intends to dispose of this proceeding without a hearing pursuant to subsection 21(4)(a) of the *Ontario Energy Board Act, 1998* (the "OEB Act"). That subsection provides:

- 21(4)** Despite section 4.1 of the *Statutory Powers Procedure Act*, the Board may, in addition to its power under that section, dispose of a proceeding without a hearing if,
- (a) no person requests a hearing within a reasonable time set by the Board after the Board gives notice of the right to request a hearing...

In accordance with subsection 21(4)(a), Bluewater hereby requests a hearing on TransAlta's distribution license application. Specifically, Bluewater requests a hearing on: (i) whether TransAlta is exempt from having to obtain an electricity distribution license pursuant to section 4.0.1 of Ontario Regulation 161/99 (the "Regulation"); and if not (ii) whether TransAlta should be awarded an electricity distribution license.

Bluewater submits that this request satisfies subsection 21(4)(a), such that the Board may not dispose of a proceeding without a hearing under that subsection if a person requests a hearing within a reasonable time set by the Board. Should the Board consider disposing of the hearing pursuant to subsection 21(4)(b) of the OEB Act (which was not stated in the Notice), Bluewater reserves the right to make submissions on whether that subsection would be satisfied in this circumstance.

Sincerely,

A handwritten signature in black ink, appearing to read 'Andrew Taylor', written in a cursive style.

Andrew Taylor