



Legal Services

Wayne P. Meagher, H.B.A., LL. B., J.D.  
County Solicitor/Director of Legal Services

August 9, 2013

**TO:**

Ontario Energy Board  
P.O. Box 2319  
2300 Yonge Street, 27<sup>th</sup> Floor  
Toronto, ON M4P 1E4

via e-mail ([boardsec@ontarioenergyboard.ca](mailto:boardsec@ontarioenergyboard.ca))  
and regular lettermail

**Attn: Ms. Kirsten Walli**  
**Board Secretary**

**AND TO:** Parties to EB-2013-0040/EB-2013-0041 *via email*

Dear Ms. Walli:

**RE: EB-2013-0040/EB-2013-0041, August 8 Letter from Board**

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The County is in receipt of the Board's letter informing the parties that it has already heard submissions with respect to the issue on the form of hearing, has not requested further submissions on that issue, is currently deliberating the matter, and that a procedural order will be issued shortly.

Please be advised that the following is not a further submission on the oral hearing issue, but a procedural clarification letter. In particular, the County wishes to explain the purposes of its August 6 courtesy letter to the Board. The County, amongst other parties requested an oral hearing for reasons set out in its letter dated March 21, 2013. By virtue of the procedural orders thereafter, the hearing proceed on the regular default written basis, with the potential for an oral hearing to be considered at some undetermined point thereafter. As of August 6, 2013, there had not yet been a procedural order issued with respect to the status of a potential oral hearing and thus it was unclear how the consideration of the oral hearing issue may proceed.

While standing by its March 21 initial request, the County wished to update its request from March 21 by making reference to developments in these proceedings which have recently occurred (post March 21) and continue to occur, which impact the oral hearing issue and wished to direct the Board to some particular decisions, but knew that it would not be able to do so until approximately the end of the day today, August 9, 2013. As a result, the August 6, 2013 letter was drafted to inform the Board that a letter in this regard was intended to be served by the County on all parties by end of the day on August 9, 2013.

The Board's letter, received prior to the County being served with the Applicant's updated submission on the oral hearing issue (served on August 8) informed the County that the Applicant had indeed made an updated submission with respect to the oral hearing issue. Thus, at this juncture, the Applicants have been able to make an additional submission on the



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oral hearing issue with reference to recent events in the hearing to support its particular position. The County hereby requests to be able to do the same with respect to its position by being able to serve its contemplated updated submissions on the parties and to file the same with the Board prior to the Board making a final determination on the oral hearing issue, for the only opportunity thereafter for the County to address the issue (by virtue of subsection 33(1) of the *Ontario Energy Board Act*) would be outside of these proceedings.

The County hereby requests to be able to provide its updated submission and confirms that it will await the procedural order of the Board before providing any such submission. Kindly note that the updated submission is available to be served on the parties as of this date or on any day moving forward.

Yours Truly,

**Wayne P. Meagher, H.B.A., LL.B., J.D.**  
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