

February 6, 2014

RESS, EMAIL & COURIER

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

Attention: Ms. K. Walli, Board Secretary

Dear Ms. Walli:

**Re: Ontario Power Generation Inc. - Application for Determination of 2014/15
Payment Amounts (EB-2013-0321) - Response to HDI Email**

We are legal counsel to Ontario Power Generation Inc. ("OPG"). This letter is in response to the email dated February 5, 2014 from Mr. Aaron Detlor, Legal Counsel to the Haudenosaunee Development Institute ("HDI"), to Ms. Kirsten Walli, Board Secretary, wherein Mr. Detlor indicated that HDI intends to file a surreply to the reply submissions of Board Staff, which were filed with the Board in respect of the issues list on January 31, 2014. Mr. Detlor indicated his intention to file the surreply on or before February 7, 2014.

Board Staff's submissions principally related to the Board's ability to consider the impairment and infringement of HDI's rights in this proceeding and the Board's jurisdiction regarding a duty to consult. HDI filed both an extensive letter with the Board on November 29, 2013 as part of its intervention request and also filed submissions regarding the issues list pursuant to Procedural Order No. 1 on January 24, 2014. Both related to the alleged impairment and infringement of HDI's rights and interests. HDI's position with respect to the issues list and the scope of this proceeding were clearly expressed to the Board by HDI.

OPG objects to the filing of a surreply by HDI in respect of the submissions of Board Staff or the submissions of any other parties with respect to the issues list. Procedural Order No. 1 set out a process typically used by the Board in respect of the consideration of the issues list. It did not contemplate a surreply by any party or in respect of any particular issues. HDI has not sought a variance of that Order and has provided no basis as to why the process set out by the Board was unfair or deficient. All parties have adhered to the process set out in Procedural Order No.1 and there should not be an exception for HDI.

To be fair, if HDI is provided with the opportunity to submit a surreply, the same right should be granted to other parties. However, it is unclear whether this would perpetuate further submissions by HDI and bring about further delay to the proceeding. Respectfully, HDI has made its position clear and no further opportunity for reply should be granted. To the extent

HDI submits its surreply prior to the Board ruling otherwise, the Board should expressly provide no weight to any surreply.

Yours truly,



Charles Keizer

cc: Intervenors
 Mr. C. Mathias, OPG
 Mr. C. Anderson, OPG