

March 13, 2014

Delivered by Email

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

Attention: Kirsten Walli, Board Secretary

Dear Ms. Walli:

Re: Intervention with respect to Board File EB-2013-0159

We are counsel to the Canadian Electricity Association (“CEA”) in the above-captioned matter.

By letter dated March 4, 2014, we wrote to the Board requesting intervenor status and requesting an opportunity to make submissions in response to a motion by the School Energy Coalition (“SEC”) dated February 27, 2014, which asks the Board to compel disclosure of benchmarking analysis for which CEA owns the copyright (the “SEC Motion”). On March 6, 2014, the Board issued Procedural Order No. 4, which granted the CEA intervenor status for the purpose of responding to the SEC Motion and established a timetable for the filing of submissions, including a March 17, 2014 deadline for the filing of the CEA’s submission.

The purpose of this correspondence is to request an extension of the filing deadline for the CEA’s responding materials to the SEC Motion from March 17, 2014 to March 24, 2014. The SEC Motion was brought without notice to the CEA, despite the fact that the subject matter of the motion is to compel disclosure of intellectual property owned by CEA that is protected by copyright. As such, the subject matter of the motion is of vital importance to the CEA and its members. While we have endeavoured to consult with the CEA and its membership with a view to meeting the Board’s original March 17, 2014 deadline, the allotted time has proven not to be sufficient. Given the importance of this matter and the effect that the Board’s ruling on the SEC Motion will have on the CEA, we believe a one week extension for the filing of the CEA’s materials is both necessary and appropriate in the circumstances.

We are also writing to advise that we will be filing a Notice of Constitutional Question pursuant to section 38.01 of the Board's Rules of Practice and Procedure at the time we file and serve our response to the SEC Motion.

We appreciate the Board's attention to this matter.

Yours very truly,

Goodmans LLP

A handwritten signature in black ink, appearing to read 'R. Malcolmson', with a stylized flourish at the end.

Robert Malcolmson
RZM/pg

Copy: Giovanna Dragic, OEB Staff
Mark Rubenstein, counsel to the SEC
James Sidlofsky, counsel to Oakville Hydro