

April 2, 2014

Via Facsimile

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Dear Sir/Madame:

Re: Withdrawal of Notice of Constitutional Question – File # EB-2013-0159

We act as counsel to Canadian Electricity Association (“CEA”). On March 24, 2014, we filed on behalf of CEA a Notice of Constitutional Question with respect to the constitutional validity of the jurisdiction of the Ontario Energy Board (the “Board”) to compel disclosure of documents owned by a third party pursuant to provincial legislation, namely the *Ontario Energy Board Act* and the *Statutory Powers Procedure Act*, where the third party copyright owner of the documents has not granted consent for their disclosure and hence, reproduction, in accordance with the federal *Copyright Act*.

The above-noted Notice of Constitutional Question was raised in the context of a Notice of Motion filed by the School Energy Coalition (“SEC”), requesting that the Board issue an order requiring Oakville Hydro Electricity Distribution Inc. to produce copies of two surveys/studies, including a benchmarking report and data models owned by CEA (the “CEA Property”). SEC has since withdrawn its Notice of Motion and thus, the matter of whether the Board has the jurisdiction to compel disclosure of the CEA Property is no longer at issue and the Notice of Constitutional Question no longer needs to be addressed.

We appreciate your attention to this matter. Should you have any questions with regard to the foregoing, please do not hesitate to contact the undersigned.

Yours truly,

Goodmans LLP



Robert Malcolmson
RZM/pg

c.c.

TO:

Ontario Energy Board

Ontario Energy Board

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AND TO:

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AND TO:

INTERVENORS

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