

November 28, 2014

VIA E-MAIL, RESS AND COURIER

Ms. Kirsten Walli
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Dear Ms. Walli:

Re: EB-2014-0158: Consultation on the Effectiveness of Part II of the *Energy Consumer Protection Act, 2010 (ECPA)*.

Stakeholder Forum Participation.

As advised in our letter of November 21st herein, we are legal counsel to Just Energy in this matter. This letter responds to the Board's November 25th request for interested parties to register for, and provide additional information on their intended participation at, the upcoming (December 8th and 9th) Stakeholder Forum.

Participation in the Stakeholder Forum

Just Energy intends to attend the Stakeholder Forum. It is anticipated that the writer and Nola Ruzycki (Vice President, Regulatory Affairs) will attend. Should Just Energy wish to include any other attendees on its behalf we will so advise the Board.

Just Energy also requests the opportunity to make a presentation to the forum, and would be pleased to respond to any questions and otherwise participate in discussions relevant to the Board's *ECPA* review. While the intended presentation is still under development, it is currently anticipated that the presentation will address:

1. The degree of consumer protection provided by the *ECPA*, including an overview of the extensive protections in place and how they are applied and operationalized by Just Energy.
2. Just Energy's experience with implementation of the different elements of the *ECPA*, and issues thereby raised (as reviewed in Just Energy's November 21st Initial Comments previously filed).
3. Just Energy's contributions to the energy services market in Ontario, including those in support of government energy policy objectives.

Information Provided to the Board by its External Advisors

It was noted in our November 21st letter that the Board has retained external expertise to support the Board's consideration of the effectiveness of the *ECPA*. Innovative Research Group has been commissioned to conduct extensive consumer research, and the Board's November 25th letter to interested parties indicates that a presentation by Innovative Research Group is to be made at the outset of the forum. Professor Donald Dewees has been retained "*to assist with the evaluation of the ECPA and related market issues*", though it remains unclear to us whether Professor Dewees has as yet undertaken any work and/or provided any reports or other forms of input to the Board. We also previously noted that Board Staff has gathered from retailers an extensive amount of historical data, dating back to 2009, though no summary or discussion of Board Staff's work or findings has been made publicly available to date.

In order to assist parties in preparing for a meaningful and properly informed discussion at the upcoming Stakeholder Forum, and thereby be most able to inform the Board's considerations in this matter, it is respectfully submitted that circulation by the Board of the output of these 3 work streams (that if Innovative Research, that of Professor Dewees if applicable, and that of Board Staff) in advance of the forum would be appropriate and helpful. Given the amount of time and effort that the Board has put into this review, and the amount of time and effort devoted by interested parties both to date and in preparation for, and attendance at, the upcoming 2 day Stakeholder Forum, addressing input received by the Board "on the fly" would seem less than an optimal approach, and would unduly constrain the information and input sought by the Board from interested parties.

Post Stakeholder Forum Comments

Just Energy anticipates providing additional comments to the Board following the Stakeholder Forum, as now provided for through the Board's November 25th letter to interested parties.

Just Energy requests that the Board extend the date for the filing of such comments from December 22nd to no sooner than January 23rd.

Given that the Board initiated this review in July, has undertaken relatively extensive background work of its own (as noted previously and above) the results and implications of which are not yet public, and contemplates a relatively extensive (2 day) Stakeholder Forum, it seems unnecessarily rushed for interested parties to have less than 2 weeks to provide considered final comments, particularly given that the second of these 2 weeks falls within holiday season (including for some Just Energy personnel key to this area).

We also note that in a forum of analogous scope – the Board's Natural Gas Market Review – written comments following a 2 day Stakeholder Forum to be held next week are not due until January 16th.

It would thus seem appropriate to allow parties herein at least until January 23rd to provide considered written comments.

Conclusion

Just Energy looks forward to a balanced review and discussion at the upcoming Stakeholder Forum.

Yours truly,



Ian A. Mondrow

- c. Jonah Davids (Executive Vice-President and General Counsel, Just Energy)
 Nola Ruzycki (Vice-President, Regulatory Affairs, Just Energy)
 Martine Band (Associate General Counsel, OEB)
 Interested Parties

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