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February 1, 2017

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Our File No. 163660

VIA EMAIL, RESS AND COURIER

Ontario Energy Board
2300 Yonge Street
Suite 2700, P.O. Box 2319
Toronto Ontario
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Attention: Kirsten Walli,
Board Secretary

Dear Ms. Walli:

Re: EB-2016-0160: BOMA Submissions

I apologize for the lateness of this letter. As you know I represent BOMA in the Hydro One Transmission argument case. I'm writing to request a one week extension from today to February 8th of the deadline for submission of BOMA's final argument in this case. The reason for the request is that my long-standing administrative assistant became seriously ill last week and has not yet recovered. Yesterday morning her doctor ordered her not to return to work until next Monday, February 6th. My assistant has long suffered from asthma and bronchitis and other respiratory system disorders, but rarely has she missed work or been hospitalized. She came to work on Monday expecting to be able to type the final version of BOMA's submission prior to the filing deadline today. She had fallen ill last Tuesday, January 24th, and spent a balance of the week resting at home. On Monday she was only able to work about an hour and then left for home. As noted above, she saw her doctor early Tuesday morning and called me at the office later that morning.

For better or worse, I belong to a declining group of legal practitioners who prepare submissions in long hand which are then typed by my assistant and the process is repeated many times. All of the subsequent amendments, markups, and inserts are done the same way. My writing is illegible to all but myself and my assistant, who has performed this role for the last 10 years.

I prepared the early drafts of most sections of the argument immediately after the end of the written hearing in late December and in the first 10 days of January. I then took a brief holiday on the understanding that when I returned later in the month, I would spend the next four days in

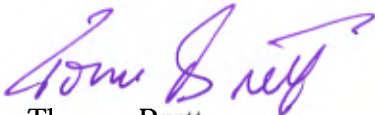
preparing the penultimate and final submissions. In my case, preparation of the final version and penultimate version result in a great many inserts, additions, deletions, and restructuring of the draft to achieve proper balance, flow and rhythm of the narrative, as well as the more traditional edits. So I, and BOMA and the rest are now in a position of having a 50 page long submission in type form and with each page full of significant additions, inserts, re-ordering of paragraphs and pages which, when typed, will constitute the final submission. When Debbie returns to the office on Monday, we will be able file the final submission either late Tuesday or early Wednesday of next week

As a backup plan, I have been talking yesterday and today with the technical staff here and they are considering whether and how they can refit one of our machines to allow me to digitally dictate the final draft based on the marked up text I described above. However, we have not yet identified an available machine and qualified operator in the office capable of receiving and completing the dictation in digital form. Furthermore, I have not used the dictation method for more than 20 years and have never used the newer digital recorder. So, I'm not sure how long the backup option will take. I hope to begin work with it this afternoon.

I respectfully request that you afford us some flexibility in dealing with this unfortunate coincidence which I have never encountered in my years of practice before the Board.

Yours truly,

FOGLER, RUBINOFF LLP



Thomas Brett

TB/ij