Ontario Energy Board

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Attention: Kirsten Wali

Board Secretary

Subject: **Energy Board Public hearing E.B. 2016-0276**

As one of the appellants related to the above public hearing I would respectfully request a direct response from the energy board related to the board’s appeal process.

Six days prior to the board issuing their decision (Procedural #4) Mr. Makuch, our legal council appealed to the board.

Prior to making this decision the board was in receipt of a document titled

“ **EB2016-0276- Book Two”**. This document directly related to the Ontario Energy Board (OEB) decision-making process and highlighted the legality of the people’s referendum by addressing a critical requirement of the people’s referendum that has been disregarded in the board’s decision.

The Orillia people’s referendum initiated by the province and was included as part of Orillia Bylaw 557. This bylaw clearly defines the following.

1. The total removal of the peoples owned electricity asset from any an all council involvement or control.

1. The responsible body (former OWLP commission) shall be elected by the municipal election process as used for all municipal elections. The tenure of such electricity people will be decided by an electoral vote.

This referendum is a law that the province fully supported years after the province initiated the public utilities act and is further outlined by the Town of Orillia Act 1915 (page 212, of our main submission)

This referendum is still a legal and binding law that can only be dissolved or amended by another vote of the Orillia people and it in our opinion can be supported legally.

In addition, it is our understanding that an OEB appeal on the above matter was a process of a public hearing where all evidence and related material would appear before the board for it’s decision based on this countries democracratic requirement

This appears to be not the case as the board has ruled (Procedural #4) without a review of the factual documentation that has been provided.

Weeks before the procedural Board Decision #4, and as requested by the board, the appellant, through legal representation, submitted a document that detailed the sequential history related to this evidence that was to be put before the board at a formal hearing. The representatives of the OEB stated that in all cases the appellants would be given adequate notice of the hearing date and every effort would be made to accommodate the schedules of all people involved.

Six days ahead of the board’s unexpected Procedural #4 decision, in addition an executive partial summary (Book Two) of the 351-page document was forwarded to the board as per the outlined process. It appears that the board may have decided that no prior notice in the issue of procedural number 4 was necessary or required, nor was this information acknowledged. It would also appear that the board never reviewed the executive summary or had never reviewed the original detailed 351-page document.

Our appellant group, vehemently objects to the board withholding our Book Two from being publically posted on the board website yet every other appellant involved (individuals and corporations) is included in the public website examination of the material presented to the board. This lack of transparency by the board is clearly undermining the due process that is our right as concerned consumers of electricity in Ontario.

As the representative of the last democratic duly elected electricity group where I served as chairman and commission member, and as a lifetime citizen of Orillia, I have a fiduciary obligation to act in the people of the City of Orillia’s vested interest, and their right to vote on the sale of their electricity distribution arm.

I am once again attaching pages (204-214) that provide the sequential information of our appeal, previously submitted to the board.

On behalf of the Orillia electrical consumers who are seriously impacted, we are asking for the board to review the fairness of their process and to democratically request that the City Council initiate the required amending clause to the Orillia peoples referendum, prior to the board making it’s decision approving or rejecting a sale of the people’s owned electricity distribution arm.

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Respectfully,

Frank Kehoe

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