

May 12, 2017

**VIA EMAIL, COURIER & RESS**

Ontario Energy Board  
P.O. Box 2319  
27th Floor  
2300 Yonge Street  
Toronto ON M4P 1E4  
Email: boardsec@ontarioenergyboard.ca

Attention: Ms. K. Walli, Board Secretary

Dear Ms. Walli:

**Re: In the Matter of a Notice of Intention to Make an Order under section 112.4 of the Ontario Energy Board Act, 1998 for Revocation of a Licence against Ensqr Corporation (Licence Number ES-2012-0461).**

**File No. EB-2016-0380**

Further to Procedural Order No. 1 (issued April 25, 2017), please find enclosed two (2) copies of the documents that the OEB Enforcement Team intends to rely on at the hearing in this matter. More specifically:

- the affidavit of Chris Marijan, sworn May 11, 2017 (with exhibits); and
- the affidavit of Jessie Colberg, sworn May 11, 2017 (with exhibits)

The OEB Enforcement Team respectfully requests the Board's permission to tender the evidence-in-chief of Ms. Marijan and Ms. Colberg primarily by way of the above-noted affidavits, which will assist in ensuring this proceeding is carried out fairly and efficiently. (In the alternative, the OEB Enforcement Team requests a pre-conference hearing in order to obtain a similar order.) Both Ms. Marijan and Ms. Colberg will be present at the enforcement hearing for brief examination-in-chief, cross-examination, reply evidence and to answer any questions panel members may have.

Finally, the OEB Enforcement Team confirms that it has made disclosure of additional documents (beyond the affidavits set out above) to Ensqr, in accordance with our obligations under Rule 16. My understanding is that these documents – *i.e.* those that are disclosed, but will not be relied on by the OEB Enforcement Team – are normally not subject to being filed with the Board, unless and until a party decides that it will rely on them at the hearing. However, Procedural Order No. 1 seems to contemplate otherwise (paragraph 1 requires the OEB Enforcement Team to file “a copy of every document it intends to produce.”) We would be grateful if the Board could clarify whether it expects the OEB Enforcement Team to file this additional disclosure, in which case we will do so.

Yours truly,



Justin Safayeni

Encl.

c: **Ensqr c/o Harshal Gunde** – *by email* (harshal.gunde@ensqr.com; harshal@bitts.ca)  
*and courier*

**Michael Bell** – *by email* (Michael.Bell@oeb.ca)

**James Sidlofsky** – *by email* (James.Sidlofsky@oeb.ca)

**Chris Marijan** – *by email* (Chris.Marijan@oeb.ca)