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File No.: 10802

September 25, 2017

**VIA EMAIL (Boardsec@oeb.ca)**

Ms. Kirsten Walli  
Board Secretary  
Ontario Energy Board  
P.O. Box 2319, 27<sup>th</sup> Floor  
2300 Yonge Street  
Toronto, Ontario  
M4P 1E4

Dear Ms. Walli:

**Re: Active Energy Inc. (EB-2017-0022 and EB-2017-0223)**

**Request for adjournment of disclosure motion brought by Active Energy Inc.**

We write as external counsel to the OEB Enforcement Team in this matter, to request a brief adjournment of the disclosure motion (“**Motion**”) brought by Active Energy Inc. (“**Active**”).

Active consents to this request. Accordingly, we make the request for an adjournment by way of letter, rather than a formal motion.

We understand that Active’s Motion materials were filed this morning. The OEB Enforcement Team did not receive Active’s Motion materials until after the close of business last Friday, September 22<sup>nd</sup>. (Previously, on September 19<sup>th</sup>, Active had sent the OEB Enforcement Team a list of the information and productions it was seeking, but without fully articulating the grounds for those requests.)

Originally, the OEB Enforcement Team understood that Active would provide its Notice of Motion at some point last Wednesday (September 20<sup>th</sup>), along with its letter requesting an adjournment of the hearing proper, or soon thereafter. It was on that basis that the OEB Enforcement Team joined with Active in requesting that the Panel hold the afternoon of September 26<sup>th</sup> for the purposes of hearing the Motion.

The receipt of Active's Notice of Motion on Friday evening has left the OEB Enforcement Team without adequate time to respond to the Motion, including by considering what materials it may provide to Active in order to resolve some of Active's requests, and by preparing proper responding materials in respect of any contested aspects of the Motion.

For that reason, the OEB Enforcement Team respectfully requests a brief adjournment of the Motion.

In the interim period, the OEB Enforcement Team is confident that the issues raised in the Motion can be narrowed. Moreover, if a contested Motion is necessary, an adjournment will allow both parties to prepare proper materials, for their own benefit and for that of the Panel.

The parties are in agreement that should a hearing of the Motion be necessary, it will take less than two hours. The parties are available for a hearing on any of the following dates: **October 10, 11 (afternoon only), 13, 16, 17 (afternoon only) or 19.**

Should the adjournment request be granted, the parties would suggest that Active's additional motion materials (if any) be filed at least seven days before the motion, and that the OEB Enforcement Team's materials be filed at least three days before the motion.

Yours truly,



Justin Safayeni

c: Ian Mondrow (*Ian.Mondrow@gowlingwlg.com*)  
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