

November 6, 2017

**VIA RESS AND DELIVERED**

Ms. Kirsten Walli  
**ONTARIO ENERGY BOARD**  
P.O. Box 2319, 27<sup>th</sup> Floor  
2300 Yonge Street  
Toronto, Ontario  
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Dear Ms. Walli:

**Re: EB-2017-0022: Notice of Intention to Make an Order for Compliance, Restitution and Payment of an Administrative Penalty; and**

**EB-2017-0223: Notice of Intention to Make an Order for Compliance, Restitution and Payment of an Administrative Penalty.**

**(collectively, the Notices)**

**Active Energy Inc. (Active) Witness Statements**

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Rule 16 of the Board's *Rules of Practice and Procedure for Enforcement Proceedings (Enforcement Rules)* requires preparation and service by Active of a witness statement prepared in accordance with *Enforcement Rule 17*. Active has served on counsel for the Enforcement Team two witness statements:

1. *Joint Witness Statement of Michael Stedman and Chris Waddick* dated September 27, 2017.
2. *Further Joint Witness Statement of Michael Stedman and Chris Waddick* dated October 27, 2017.

*Enforcement Rule 16* directs that no party shall file evidence with the Board in advance of the commencement of the hearing in an enforcement proceeding, except with the consent of all parties (or as otherwise specified in the rule).

The parties intend that their respective witness statements will be adopted as evidence at the hearing of this matter, so as to expedite the hearing process. In order to allow the Hearing Panel to review these witness statements in advance of the hearing, the parties have consented to advance filing of their respective witness statements as contemplated by *Enforcement Rule 16*. Accordingly, filed herewith are the two witness statements which Active's witnesses (Messrs. Stedman and Waddick) will adopt in evidence at the hearing.

Yours truly,



Ian A. Mondrow

- c. Michael Stedman, ACTIVE ENERGY  
Chis Waddick, ACTIVE ENERGY  
Justin Safayeni, STOCKWOODS (OEB Enforcement Team External Counsel)  
Ian Richler, OEB Counsel  
Michael Bell, OEB Hearing Staff

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