

J. Mark Rodger  
T (416) 367-6190  
F (416) 367-6749  
mrodger@blg.com

Borden Ladner Gervais LLP  
Bay Adelaide Centre, East Tower  
22 Adelaide Street West  
Toronto, ON, Canada M5H 4E3  
T 416.367.6000  
F 416.367.6749  
blg.com



June 20, 2018

**Delivered by Email**

Kristin Walli  
Board Secretary  
Ontario Energy Board  
2300 Yonge Street, 2th Floor, PO Box 2319  
Toronto, ON M4P 1E4

Dear Ms. Walli

**Re: EB-2018-0171 - Motion on Threshold Issue**

We represent Orillia Power Distribution Corporation (“Orillia Power”) in this matter. We write further to the Notice of Hearing and Procedural Order No. 1 issued on June 18, 2018 (the “Procedural Order”). Pursuant to the Procedural Order, the Ontario Energy Board (the “Board”) has scheduled an oral hearing on to determine the threshold question of whether the matter should be reviewed.

We respectfully request that the Board reconsider its decision to bifurcate the hearing of the threshold question from the hearing of the merits of the motion to vary. On the threshold question of whether the matter should be reviewed, the Board will need to consider the arguments on the merits of the motion to vary. This is because, on the threshold question, the Board is obliged to consider whether the grounds “raise a question as to the correctness of the order or decision” (EB-2006-0322/0338/340, May 22, 2007). The Board is unable to answer this question without considering the correctness of the decision. Efficiency and economy argue strongly in favour of the Board holding the motion on the threshold issue and the motion to vary either concurrently or consecutively on the same date. Otherwise, the parties and the interveners will inevitably be forced to duplicate their submissions.

In its decision dated January 4, 2018 on the motion to vary under EB-2017-0320, this Board previously determined that the delay in having this matter adjudicated in a timely fashion causes prejudice to Orillia Power. By September 2018, it will have been two years since the MAAD Application was filed with the Board.

We therefore ask that the Board hold concurrent or consecutive hearings both on the same date to determine the threshold question and the motion to vary.

Thank you in anticipation of your kind consideration of the foregoing.

Yours truly,

**BORDEN LADNER GERVAIS LLP**



J. Mark Rodger\*  
Jonathan Rodger Professional Corporation

Copy to: Mayor Steve Clarke  
Gayle Jackson, CAO, City of Orillia  
Greg Gee, Chair, OPDC  
Charles Keizer  
Michael Engelberg  
All Intervenors on Record