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December 23, 2019

Ontario Energy Board
2300 Yonge Street, 27th floor
P.O. Box 2319
Toronto, ON M4P 1E4
Attn: Kirsten Walli, Board Secretary

Sent by courier and by email to: boardsec@oeb.ca

Dear Ms. Walli:

**Re: Imperial Oil Limited Application Number EB-2019-007 for Leave to Construct –
Waterdown to Finch Project (the "Project")**

Imperial Oil is prematurely requesting that the Ontario Energy Board ("OEB") adjudicate relevance. The appropriate stage to do so is upon receipt of the submissions of the applicant, OEB staff, and/or intervenors. Imperial Oil ("Imperial") requested and was granted an opportunity for reply submissions. It will have the opportunity to make submissions as to relevance and weight at that time.

The premature nature of Imperial's request is underlined by the vagueness of its arguments. Imperial has not specified a single of the diverse documents provided by the City. It has simply made the bald assertion that these documents are "of limited utility", overbroad, or not relevant. Nor has Imperial identified any caselaw, rules, or policies upon which it seeks to rely.

The effect of Imperial's request would be to restrict the scope of the record available for intervenors and OEB staff to prepare submissions, and for the OEB to adjudicate this application. This is contrary to the identified goal of the OEB in Procedural Order No. 6 (at page 3).

The documents are necessary for Toronto to present its case. Their continued inclusion is a matter of procedural fairness, in Toronto's view.

Toronto reiterates that it is prepared to provide its submissions expeditiously, and looks forward to its opportunity to do so. Imperial has simply speculated that the documents have "the potential to unnecessarily lengthen proceedings" [emphasis added]. The documents themselves are entirely or largely non-controversial in nature (e.g. Council resolutions, a budget report). Imperial's speculation should carry even less weight given that it recently requested a further extension to its deadline for submissions.

Many of the documents were referenced in Toronto's interrogatories. On August 12, 2019, Toronto wrote to Imperial to advise that it anticipated making reference to various publicly-available documents in its submissions. At that time, Toronto provided to Imperial the documents that it now objects to, excepting the OEB's Energy East report. Imperial did not object. Its sudden change of position is unfortunate.

Toronto respectfully requests that Imperial's attempt to restrict the record in this matter be dismissed.

Yours truly,

A handwritten signature in black ink, appearing to read 'Nicholas Rolfe', with a stylized flourish at the end.

Nicholas Rolfe
City of Toronto, Legal Services