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Ontario Energy Board

2300 Yonge St., 27th Floor

Toronto, ON M4P 1E4

Subject**: Ontario Energy Board Order EB: 2018-270 dated April 30 2020**

**Att: Board Secretary,**

Dear Secretary

Please take this letter as a formal **objection** to the Energy Board’s premature order and in my opinion, its failure to follow the rule of law.

In at least three occasions as an intervenor, I have copied the Energy Board with my letter addressed to the Provincial Attorney General Ministry. As of this dated I have yet to receive a reply. The main segment of my letter relates to section 67(3) inserted into the Public Utilities Act. The insertion of this removed all rights of the electorate who cast their ballot in a legally called referendum. These rights are guaranteed by Federal law being part of our Canadian Constitution, Bill of Rights and our Charter of Rights and Freedoms. This single piece of legislation has denied the rights of the voting electorate.

The first provincial public utilities act made the elected hydro commission a body corporate together with a clear statement that under section 39(1). Chapter 41 the act reads:

*“The council may by bylaw passed with the ascent of the municipal electors repeal any bylaw passed under section 34”*

These laws remained in place up to and beyond the Orillia city council agreeing on their own accord to sell the municipal utility hence the first direct involvement to the Ontario Energy Board.

It is the writer’s opinion, in order to conform to the rule of law, the Ontario Energy Board should stay their April 30th 2020 order until there is a direct response to my letter from the Attorney General Ministry. This letter has been a part of my intervenor material that will clarify the legality of the Orillia City council’s authority to sell the distribution arm of the utility in opposition to its own electorate.

Respectfully submitted,

Frank Kehoe, Intervenor