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June 12 2020

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Shelly Connell

Registrar & Board Secretary

Re: Decision on Motion to Review June 11th 2020

Dear Secretary

 As an intervenor in EB: 2019-0270, I am frustrated as to the Energy Boards avoidance of the interpretation of my intervenor material forwarded to the Board.

In simple terms:

1. With the inception of the Orillia owned organization to be later called the Orillia Water, Light and Power was initially under the control of a committee of Town Council. However the council of the day failed to follow the rules of its backers so as to keep the electricity arm separate and apart from using the electricity revenue to supplement the tax revenue of the town.
2. The electric consumer and backers rebelled and with provincial help , the new council created a peoples referendum to vote to remove the electricity arm (now called a utility)separate and apart from any town council involvement. The referendum was legally conducted under the election act of the day and was backed by Canada’s Constitution and democracy laws of the day.
3. When the first provincial public utilities act came into existence in 1913, it backed federal law and included the following 39(1) The council may by bylaw passed with the assent of the municipal electors repeal any bylaw passed under section 34( which was the section related to electricity).
4. Section 39(1) gave full protection to the voting electorate. This clause or somewhat different wording was included through the years and was in existence long after the alleged transfer to Corporations October 2000.
5. The board should now must at illegal legislation that attempts to override the results of legal referendums as shown on the last paragraph of Page 3 and all of page 4 in my letter to the Minister of Attorney General dated June 10 2019.

Section 67(1 on page 4 is not legal by federal law and it does not remove the power of the Orillia Electorate that cast their ballots in a legally called referendum as backed by our Canadian constitutional law.

For the Orillia City Council to legally sell Orillia Power Distribution to Hydro One, they cannot depend on Section 7(1). They, by law, must first involve their electorate in an amended referendum for approval to do so. This is the law as I understand it.

I request the Energy Board to look at the law and not skirt the issue. The Orillia City Council clearly does not have the authority to disregard the previous vote of Orillia Electorate. The Orillia council does have the authority to go back to the Orillia Electorate in the form of an amended referendum to try to get their approval to make the sale. The Energy Board can make this a requirement pertaining to the sale to Hydro One.

BY this letter, I am placing the Ontario Energy Board on notice that they must follow the rule of law in this matter and retract the order of April 30th 2020 until such time as the Attorney General makes a ruling that then may even be challenged in the courts.

I have forwarded to the Energy Board a copy of my letter to the premier and email to the Attorney General which was mailed yesterday. The June 10th letter to the Attorney General is an attachment.

Respectfully submitted

Frank Kehoe