



Ontario
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de l'Ontario

BY EMAIL

June 26, 2020

Mr. Frank Kehoe
304 95 Matchedash St N.,
Orillia ON L3V 4T9
Email: fm.kehoe@rogers.com

Dear Mr. Kehoe,

Re: Motion to Review OEB Decision
Ontario Energy Board File Number: EB-2020-0158

The Ontario Energy Board (OEB) is in receipt of your letter dated June 12, 2020 (June 12th Letter), in which you requested that the OEB retract its order approving the acquisition of Orillia Power Distribution Corporation by Hydro One Networks Inc. Your letter stated that the OEB “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.”

The OEB approved the acquisition, subject to certain conditions, in a Decision and Order dated April 30, 2020 (Decision). Between May 4, 2020, and June 8, 2020, you sent four letters to the OEB objecting to the Decision. In the letter dated May 4 (May 4th Letter), you stated:

In at least three occasions as an intervenor, I have copied the Energy Board with my letter [dated June 10, 2019] addressed to the Provincial Attorney General Ministry. As of this dated [*sic*] 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 May 4th Letter requested the following relief:

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.

The OEB determined that it would treat the May 4th Letter as a Motion to Review the Decision (Motion) under Rule 40.01 and 40.05 of the OEB's *Rules of Practice and Procedure*, which allows the OEB to reconsider and (potentially) vary its decisions under appropriate circumstances.

The OEB considered the Motion and dismissed it without a hearing in a decision dated June 11, 2020 (Motion Decision). The OEB determined that the May 4th letter (as well as the other correspondence we received from you) did not reveal any reason to question the correctness of the Decision. The Motion Decision held that there was no reason to believe that the legislative framework through which the application was approved was unconstitutional or otherwise invalid. It also determined that it was not necessary to delay or stay the Decision to wait for a potential response to the letter you sent to the Attorney General of Ontario on June 10, 2019.

Neither your June 12th Letter, nor any of the other materials you filed after the Motion Decision was issued, raise any new issues that were not already considered by the OEB in the Decision and the Motion Decision. The OEB considers this matter to be concluded, and will not be taking any more action with respect to the Decision.

Yours truly,

Original Signed By

Christine E. Long
Registrar and Board Secretary