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June 28 2020

Christine E. Long, Registrar & Board Secretary

Shelly Connell, Case Administrator

Ontario Energy Board

Re: E.B 2020-0158

Ontario Energy Board Failure to Recognize our Canadian Democracy Principals (Laws)

Dear Ms. Long & Shelly Connell

This will acknowledge your email dated June 26th 2020 on the called motion to review O.E.B. decision on E.B. 2020-0158.

As an intervenor, I would try again to explain that in our Canadian Democracy and Charter of Rights and Freedom, **voting** is protected as one of our Inalienable guaranteed rights to all citizens. We as Canadian's and Canadian organizations which include the Ontario Energy Board and other Provincial Boards and Legislatures need to defend and protect this power that is given to us under our Charter. This is our right. When we, the people, have this corrupted by elected officials or organizations reporting to them it is against the law and we, as citizens or boards, need to hold them accountable and do what we can to correct this injustice and abide by the rule of law.

In this case referring to the Generation and Distribution of Electrical Energy all the previous authority was taken away from the Orillia Council by a legally called **election (referendum)** of the Orillia electorate and no one had the authority to override Orillia citizens vote outcome, without following due process.

To make changes or amendments to the peoples's election referendum the council had the authority to go back to their electorate to vote on amendments or even to dissolve the former vote. This was the rule of law and the Orillia electorate was also contained in the public utilities act and protected in our Canadian Charter.

The Ontario Energy Board must recognize and abide by our Canadian Charter. The Energy Board, of course, always had the authority to approve or reject the sale of Orillia Power Distribution to Hydro Networks **subject only to the approval of the Orillia electorate**, not City council. In this case, the Orillia electorate with their elected commission representatives must be part of this equation. To do otherwise, usurps Canadian democracy and our Canadian Charter and in my opinion the rule of law.

Clearly the City Council do not have the authority to try to sell the Distribution Arm of Orillia's ownership of this utility and the Ontario Energy Board must recognize this and act accordingly.

I would respectfully request the Ontario Energy Board not try to circumvent this process and abide by our democracy process laws. The insertion of section 67(1) in a none related act, into the Public Utilities Act does not conform to our Canadian Charter and in my opinion is totally illegal. This section 67(1) does not overrule the vote of the Orillia electorate that is protected by federal law.

Since the O.E.B, email letter of the board is sent containing the Ontario coat of arms; I am forwarding copies of this letter to the Premier of Ontario, the Attorney General, the Lieutenant Governor, and other organizations whose role is to protect Canadian democracy. Under separate cover, I am sending the Ontario Energy Board a copy of our Lieutenant Governor's book "Speaking of Democracy".

Yours Respectfully,

A handwritten signature in black ink, appearing to read "Frank Kehoe". The signature is fluid and cursive, with the first name "Frank" written in a larger, more prominent script than the last name "Kehoe".

Frank Kehoe

Canadians under the charter
of rights and freedoms, we have
the right of thought, belief, opinion,
and expression.

This means that we have the
right to agree or disagree, praise or
criticize others opinions, ideas, thoughts,
and ideology/religion.

No level of government has the
right to tell us how to think, what words
to use, and/or what beliefs to have.

The government is elected to serve
the people, not the people serve them.

A great reminder to all Canadians. Please pass it on.

“The legislature of the Province of Ontario passed the 1915 Town of Orillia Act and section 11(1) of the Act merely confirms the aforementioned.

“11(1) – subject to subsection 2, all the powers, rights and privileges with regard to the government of the Orillia Power Transmission plant or the generation, distribution and sale of electrical power and light heretofore or hereafter granted by any special Acts to the council or Corporation of the Town of Orillia shall, WHILE THE BYLAW APPOINTING SUCH COMMISSION REMAINS IN FORCE, BE EXERCISED BY THE ORILLIA WATER, LIGHT AND POWER COMMISSION, AND NOT BY THE COUNCIL OF THE CORPORATION.”

(2) Nothing contained in this section shall divest the council of its authority with reference to providing the money required for such works, and the treasurer of the municipality shall, upon the certificate of the Commission, pay out any money so provided.”

The year is now 1996 and now comes a sad day for the integrity of democracy with an absolute betrayal of the citizens of Orillia and other like municipalities when one or more provincial elected cabinet ministers secretly inserts a clause on a brand new 225 page document of legislation described as an act to achieve fiscal savings and promote economic prosperity through public sector restructuring, streamlining and efficiencies and to implement other aspects of the government's economic agenda (the short title of this act is the Savings and Restructuring Act 1996).

Our provincial leadership elite may still want to believe in abiding by democratic principles – they certainly profess that they do. In the case of electricity legislation, a small minority have shown themselves all too willing to violate their principles to gain or retain a certain power. So, in this new conspicuous act, certain draconian elected people secretly inserted a single clause to try to reverse the electoral power of the people of Orillia and possibly other like municipalities who democratically cast their vote in a dually called legal referendum to keep the people's municipal controlled ownership by their elected representatives free of council involvement.

This oligarchy insertion into the new Savings and Restructuring Act Schedule M, Chapter 1, Item 33, page 172 introduces the following:

33. The Public Utilities Act is amended by adding the following section:

**By-law waiving
the assent of
the electors**

67. (1) A municipal corporation may pass a by-law to eliminate the requirement to obtain the assent of the electors before the corporation exercises a power under this Act.

Exception

(2) Subsection (1) does not apply to a municipal corporation exercising its power with respect to natural gas.

The insertion of this clause if legal would be a certain slap in the face of our Canadian Constitution and betrayal of our Canadian Democracy and of the rights and freedoms of its citizens and represents a serious breach of other legislation in place. This single clause is a betrayal of the absolute commitment and

promise given Orillians and the legislation that was put in place to protect their municipal utility as voted on by the Orillia electorate.

I am not a lawyer but strongly believe in Canadian democracy and the rule of law and the work of our leaders in the definition of the importance of **citizen involvement and transparency** in the making and enforcement of this principal of our Democracy. I am extremely proud of our Ontario Lieutenant Governor The Hon. Elizabeth Dowdeswell for posting the democracy material for display in three rooms of her legislative suite open for public viewing.

One of the displays that I think appropriate is The Honourable Rosalie Abella Justice of the Supreme Court of Canada. Her quote from the Lieutenant Governor's handbook reads as follows: (The biography of Rosalie Abella is attached for your viewing.)

"For me, the components of democracy are most starkly revealed in comparison to its antonym, totalitarianism. What democratic societies promote – and repressive ones do not – are the rights of its citizens and their participation in decision-making about the rules they will be governed by. Democracy promotes choice, voice and access to rights. Totalitarianism promotes none of those."

As previously mentioned where a draconian senior elected member of the legislature manages to insert Section 67(1) that is completely opposite to Section 45(1).

45.-(1) The council may, by by-law passed with the assent of the municipal electors, repeal any by-law passed under sections 38, 39 and 40.

Section 45(1) of the Public Utilities Act remained intact until December of 2001. Certainly there was a conflict in this legislation that may or may not have been intentional. For my belief Section 67(1) did not over-rule the promises made by Sir James Whitney and the supported role of Orillia's electorate on the two previous referendums nor did it over-ride the 1915 Town of Orillia Act and is certainly **in conflict with our Canadian democracy**.

The City of Orillia senior staff jumped on the situation that 67(1) took away the legal requirement to go back to its electorate for any changes or amendments to By-law 557. **This process, if it were legal, would be the biggest slap in the face to Canadian democracy ever enacted in Ontario which took away the rights of the Orillia electorate and totally breached Canadian democracy principles.** City By-law 2000-145 is attached using Section 67(1).

The next breach of democracy in my opinion comes in what is called the Electricity Act 1998 under Section 142 and is included on the next page.

The Orillia Electricity Corporation (Commission) came into existence prior to the Public Utilities Act and operated as an independent entity for fifty years selling a portion of its power to HECP. The Orillia Power Corporation (Commission) by legislation had the legislative authority to operate in multiple townships together with the authority to operate within a 25 mile radius of Orillia. This utility had the respect of all townships it operated in. The citizens of Orillia shared the pride in its municipal ownership separate and apart from the town or city. The Electricity Act gave no recognition of this and was stacked for a separate provincial purpose.

JUL-09-2004 07:48

CITY OF ORILLIA

P.01/01

BY-LAW NUMBER 2000-145 OF THE CITY OF ORILLIA

A BY-LAW PURSUANT TO SECTION 67(1) OF THE PUBLIC UTILITIES ACT (ONTARIO) TO DISPENSE WITH THE ASSENT OF ELECTORS PRIOR TO DISSOLUTION OF THE ORILLIA WATER, LIGHT AND POWER COMMISSION

WHEREAS the Orillia Water, Light and Power Commission (the "Commission") was established by special legislation and is deemed to be a commission established under Part III of the Public Utilities Act (Ontario);

AND WHEREAS The Corporation of the City of Orillia (the "City") proposes to transfer the assets and undertaking under the control and management of the Commission and owned by the City to corporations incorporated pursuant to Section 142 and Section 145 of the Electricity Act, 1998 (Ontario);

AND WHEREAS upon the completion of the said transfer the Commission is no longer required.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF ORILLIA HEREBY ENACTS AS FOLLOWS:

1. THAT any requirement to obtain the assent of the electors before the City exercises its power to dissolve the Commission is hereby dispensed with and eliminated.

BY-LAW read a first, second and third time and finally passed this 16th day of October, 2000.

Maggie Buchanan
ACTING HEAD OF COUNCIL

Paul S. Lee
CLERK