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OEB File No. EB-2021-0312

March 7, 2022

Delivered by RESS and Email

Ms. Marconi, Acting Registrar
Ontario Energy Board
P.O. Box 2319, 27th Floor
2300 Yonge Street
Toronto, ON M4P 1E4

Dear Ms. Marconi:

**Re: North Bay Hydro Distribution Limited (“NBHDL”) and Espanola Regional Hydro Distribution Corporation (“ERHDC”)(the “Applicants”) MAADs Application
Board File No. EB-2021-0312 (the “Application”)
Strike Sur-reply filed by Donald D. Rennick (“Mr. Rennick”)**

We are writing in response of the sur-reply filed by Mr. Rennick on March 6, 2022 (the “**Sur-reply**”). Mr. Rennick filed new or supplementary evidence and argument in the Sur-reply that is substantially improper in nature. The Applicants seek an order from the Ontario Energy Board (“**OEB**”) striking the Sur-reply from the record. Mr. Rennick will not be unfairly prejudiced as he was provided an opportunity to respond to the Application and indeed filed submissions on the Application on February 26, 2022.

It is only in rare cases where sur-reply submissions are necessary or appropriate. In other administrative tribunal and court proceedings, timetables do not normally provide for sur-reply argument and evidence. Permitting Mr. Rennick to file the Sur-reply undermines the efficacy and fairness of the OEB’s procedural processes. Mr. Rennick has not demonstrated how the Applicant’s Reply Submission dated March 4, 2022 raises any new evidence or argument that requires further reply. The Applicants possess the burden of proof and the OEB is able to draw its own conclusions as to whether the Applicants have met their evidentiary burden.

In the alternative, the Applicants seek an order from the OEB permitting the Applicants to file further sur-reply submissions, as necessary. If you have any questions or concerns, please do not hesitate to contact me.

Yours very truly,

BORDEN LADNER GERVAIS LLP

Per:



John Vellone

cc: Melissa Casson, Vice President of Finance, NBHDL
Matt Payne, President and Chief Executive Officer, ERHDC
Ted Doherty, School Energy Coalition
Fred Zheng, School Energy Coalition
Jay Shepherd, School Energy Coalition
Donald Rennick, Independent Participant