

June 21, 2022

RESS & EMAIL

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

Attention: Ms. Nancy Marconi, Registrar

Dear Ms. Marconi:

**Re: Milton Hydro Distribution Inc. (“Milton Hydro”)
EB-2022-0049: Cost of Service Rate Application for 2023 Electricity
Distribution Rates (“Application”) – Request to Confirm Acceptance of
Declaration and Undertaking (“Undertaking”) from Ms. Shewchun**

We are legal counsel to Milton Hydro in the above-referenced proceeding. We are writing to the OEB in connection with the Undertaking received by Milton Hydro on June 16, 2022 from Ms. Shewchun, a registered intervenor in the proceeding.

Pursuant to section 6.1.2 of the OEB Practice Direction on Confidential Filing, revised on December 17, 2021 (“Practice Direction”), “... the OEB will, except where there are compelling reasons for not doing so, accept a Declaration and Undertaking from the following: (a) counsel for a party; and (b) an expert or consultant for a party.” Section 6.1.3 of the Practice Direction further states that “... the OEB may accept a Declaration and Undertaking from other persons in appropriate cases. In such a case, a modified version of the form of Declaration and Undertaking will be made available to such person.”

The issue of concern is that Ms. Shewchun is not a counsel, an expert or a consultant for a party. Furthermore, it also does not appear that the form of Undertaking signed by Ms. Shewchun is a modified version of the Undertaking, contemplated in section 6.1.3 of the Practice Direction.

Given that the Undertaking provided is to the OEB and not Milton Hydro, Milton Hydro requests the OEB to confirm whether it accepts the unamended form of the Undertaking as filed by Ms. Shewchun on June 16, 2022. If the OEB accepts the Undertaking, Milton Hydro further requests the OEB to confirm whether (i) the Undertaking filed by Ms. Shewchun will have the same legal weight and protection as in the case of counsel, expert or consultant for a party, including OEB’s ability to impose sanctions on Ms. Shewchun in the case of violation of her Undertaking or whether, if warranted, other conditions of acceptance should apply related to Ms. Shewchun’s access to confidential material in the proceeding. In this regard, Milton Hydro suggests that the OEB recommends that Ms. Shewchun obtains independent legal advice with

respect to her obligations and responsibilities, and the consequences of the breach of her Undertaking before the OEB accepts the Undertaking executed by Ms. Shewchun and requires Milton Hydro to provide confidential information to Ms. Shewchun.

Yours truly,

A handwritten signature in black ink, appearing to read 'Tim Pavlov', with a stylized flourish at the end.

Tim Pavlov

cc: Milton Hydro
All Parties