

November 8, 2010

Delivered by Courier and E-mail

Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
2300 Yonge Street, 27th Floor
Toronto, Ontario
M4P 1E4

Dear Ms. Walli:

**Re: EB-2010-0131
Horizon Utilities Corporation
Application to the Ontario Energy Board for Electricity Distribution
Rates and Charges as of January 1, 2011**

We are counsel to Horizon Utilities Corporation (“Horizon Utilities”) in the above captioned matter. Please find accompanying this letter Horizon Utilities’ responses to the interrogatories of Board staff and the intervenors in this matter.

Please note that Horizon Utilities is filing the following responses in confidence, in accordance with the Board’s *Practice Direction on Confidential Filings* (the “Practice Direction”):

Board Staff: #4(b), in part; and

Energy Probe: #1(a)

The grounds for this confidentiality request are as follows:

In Board staff Interrogatory #4(b), Horizon Utilities has been asked to “identify any aspects of the Board’s Decision with respect to Horizon’s Z-factor application dealt with under File No. EB-2009-0332, and of subsequent load reductions or growth, that would support an early rebasing Application.” The response to the first part of that request, relating to the Board’s Decision in EB-2009-0332, is being placed on the public record.

The response to the second part of the request, relating to subsequent load reductions or growth, is being redacted. In order to respond to that part of the request, Horizon Utilities must provide certain customer-specific information related to changes in load. Public disclosure of this information, including the identity of the customer(s) could reasonably be expected to prejudice the economic interest of, significantly prejudice the competitive position of, cause undue financial loss to, and be injurious to the financial interest of the customer(s) to whom it pertains since it may assist competitors in ascertaining the future commercial plans of the customer(s). The OEB’s Practice Direction on Confidential Filings (the “Practice Direction”) recognizes that these are among the factors that the Board will take into consideration when addressing the confidentiality of filings. They are also addressed in section 17(1) of the *Freedom of Information and Protection of*

Privacy Act (“FIPPA”), and the Practice Direction notes (at Appendix C of the Practice Direction) that third party information as described in subsection 17(1) of FIPPA is among the types of information previously assessed or maintained by the OEB as confidential.

Horizon Utilities is filing its response to Energy Probe Interrogatory #1(a) in confidence because in that response, it has addressed matters that relate to its response to the second part of Board staff Interrogatory #4(b). The grounds for the confidentiality request are therefore the same as those in respect of Board staff Interrogatory #4(b).

Horizon Utilities is prepared to provide copies of its responses to the interrogatories noted above to parties’ counsel and experts or consultants provided that they have executed the Board’s form of Declaration and Undertaking with respect to confidentiality and that they comply with the Practice Direction, subject to Horizon Utilities’ right to object to the Board’s acceptance of a Declaration and Undertaking from any person. In keeping with the requirements of the Practice Direction, Horizon Utilities is filing with the Board confidential unredacted versions of the responses to these questions. These have been placed in a sealed envelope marked “Confidential”.

**Yours very truly,
BORDEN LADNER GERVAIS LLP**

Original signed by James C. Sidlofsky

James C. Sidlofsky
JCS

cc. John G. Basilio, Horizon Utilities Corporation
Indy J. Butany-DeSouza, Horizon Utilities Corporation
Intervenors of Record

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