

November 15, 2010

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File 10606.00036

Kirsten Walli
Board Secretary
Ontario Energy Board
Suite 2701 - 2300 Yonge Street
Toronto ON M4P 1E4

Dear Ms Walli:

**Re: Horizon Utilities Corporation ("Horizon") – EB-2010-0131/
Interrogatory Responses Regarding the Preliminary Issue**

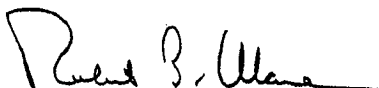
Mr. Sidlofsky's letter to the Board, dated November 8, 2010, indicates that two of Horizon's interrogatory responses submitted on that date were being filed in confidence.

Pursuant to the Board's Practice Direction on Confidential Filings, we are enclosing a Declaration and Undertaking of Robert B. Warren. We would appreciate receiving a copy of the confidential filings.

A copy of Horizon's interrogatory responses was not sent to the writer. We would appreciate your adding him to the List of Intervenors as counsel to the Consumers Council of Canada.

Yours very truly,

WeirFoulds LLP


Robert B. Warren

cc: James Sidlofsky

ONTARIO ENERGY BOARD

IN THE MATTER OF the Ontario Energy Board Act, 1998, S. O. 1998, c. 15, Schedule B;

AND IN THE MATTER OF an application by Horizon Utilities Corporation for an order approving just and reasonable rates and other charges for electricity distribution to be effective January 1, 2011.

DECLARATION AND UNDERTAKING

I, Robert B. Warren am counsel of record for the Consumers Council of Canada, an intervenor in this matter.

DECLARATION

I declare that:

1. I have read the Rules of Practice and Procedure of the Ontario Energy Board (the "Board") and all Orders of the Board that relate to this proceeding.
2. I am not a director or employee of a party to this proceeding for which I act or of any other person known by me to be a party in this proceeding.
3. I understand that this Declaration and Undertaking applies to all information that I receive in this proceeding and that has been designated by the Board as confidential and to all documents that contain or refer to that confidential information ("Confidential Information").
4. I understand that execution of this Declaration and Undertaking is a condition of an Order of the Board, that the Board may apply to the Superior Court of Justice to enforce it.

UNDERTAKING

I undertake that:

1. I will use Confidential Information exclusively for duties performed in respect of this proceeding.

2. I will not divulge Confidential Information except to a person granted access to such Confidential Information or to the Board.
3. I will not reproduce, in any manner, Confidential Information without the prior written approval of the Board. For this purpose, reproducing Confidential Information includes scanning paper copies of Confidential Information, copying the Confidential Information onto a diskette or other machine-readable media and saving the Confidential Information onto a computer system.
4. I will protect Confidential Information from unauthorized access.
5. I will, promptly following the end of this proceeding or within 10 days after the end of my participation in this proceeding:
 - (a) return to the Board Secretary, under the direction of the Board Secretary, all documents and materials in all media containing Confidential Information, including notes, charts, memoranda, transcripts and submissions based on such Confidential Information; or
 - (b) destroy such documents and materials and file with the Board Secretary a certification of destruction in the form prescribed by the Board pertaining to the destroyed documents and materials. For this purpose, the end of this proceeding is the date on which the period for filing a review or appeal of the Board's final order in this proceeding expires or, if a review or appeal is filed, upon issuance of a final decision on the review or appeal from which no further review or appeal can or has been taken.
6. I will inform the Board Secretary immediately of any changes in the facts referred to in this Declaration and Undertaking.

Dated at Toronto this 15th day of November, 2010.

Signature:  _____

Name: Robert B. Warren

Firm: WeirFoulds LLP

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