

January 14, 2011

VIA E-MAIL TO Boardsec@oeb.gov.on.ca

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

Attention: Ms. Kirsten Walli, Board Secretary

Dear Ms. Walli:

RE: 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 Toronto Hydro-Electric System Limited for an order approving just and reasonable rates and other charges for electricity distribution to be effective May 1, 2011 – APPLICATION FOR INTERVENOR STATUS OF AECON UTILITIES, A DIVISION OF AECON CONSTRUCTION GROUP INC.

Please be advised that I am in-house counsel for Aecon Utilities, a division of Aecon Construction Group Inc. (“Aecon”). I am writing in relation to the Ontario Energy Board Decision on Confidentiality and Procedural Order No. 4 (EB-2010-0142) dated January 12, 2011 (“Order”).

The Order references a request by Toronto Hydro-Electric System Limited (“Toronto Hydro”) to keep Schedule C to its Contract confidential.

Through this correspondence Aecon requests that it be granted intervenor status. This motion for intervention is brought at this stage as the Order has just come to Aecon’s attention. The Order is the first instance in the proceedings where Aecon’s interests would be directly impacted. Aecon requests that it be granted intervenor status for the purpose of making submissions on the issue of maintaining the confidentiality of Schedule C as described in the Order.

If granted intervenor status, Aecon will submit that the documents filed by Toronto Hydro and specifically Schedule C contain unit pricing of Aecon, which pricing is Aecon’s trade secret and is commercially sensitive information. Toronto Hydro has a duty to Aecon to keep this information confidential. The public release of this information would be detrimental to Aecon’s ability to compete in the market. It would result in substantial damage to both its financial and commercial position. The release of this information to the public would result in unfair competition as contractors and competitors of Aecon would have access to such confidential information. It is Aecon’s submission that it would be unjust to allow Aecon’s proprietary information to be released in this manner.

Aecon Utilities, a division of Aecon Construction Group Inc.

20 Carlson Court, Suite 800, Toronto, Ontario, Canada M9W 7K6 Tel 416.293.7004 Fax 416.940.2290 Web www.aecon.com



In accordance with the above it is Aecon's current submission that it has a substantial interest in the resolution of the confidentiality issues by the Board. Aecon confirms that it will participate actively and responsibly in the proceeding by submitting evidence, argument or interrogatories, or by cross-examining witnesses, as may be required by the Board. However, Aecon submits that it is also prepared to limit its participation to the issues related to the confidentiality of Aecon's information as contained in the documents submitted by Toronto-Hydro in these proceedings.

Aecon proceeds with filing its notice and respectfully asks to be permitted to intervene for the purpose of making submissions on the above noted issues. Aecon would also like to reserve its right to make further submissions as may be required by the Board and upon review of the record of the proceedings. Any notices and correspondence in this matter may be sent to the writer.

All of which is respectfully submitted,

Aecon Utilities, a division of Aecon Construction Group Inc.

[*original signed by*]

Patricia Skringer
Legal Counsel

cc. J. Mark Rodger, Counsel for the Applicant
cc. Intervenors of Record for EB-2010-0142