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BY E-MAIL

January 26, 2011

Indy Butany-DeSouza
Vice President, Regulatory and Government Affairs
Horizon Utilities Corporation
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All Registered Intervenors to EB-2010-0131

**Re: Horizon Utilities Corporation
Application for 2011 Distribution Rates
Board File Number EB-2010-0131**

The Ontario Energy Board (the "Board") is in receipt of e-mails from Mr. James Sidlofsky, counsel for Horizon Utilities Corporation ("Horizon") and Mr. Jay Shepherd, both filed on January 25, 2011.

In his e-mail Mr. Sidlofsky advises that certain material filed in response to Energy Probe interrogatory # 26 should have been redacted, but that the electronic document filed on January 24, 2011 "inadvertently included an unredacted version of [the material] that is being filed in confidence." Mr. Sidlofsky requested that:

"[t]he version of Horizon Utilities' responses to Energy Probe interrogatories circulated last night ... not ... be placed on the public record or in the Board's web drawer, nor is it to be made public by any of the recipients of last night's version of the responses. Horizon Utilities will provide a replacement public version of the responses, containing a redacted version of the updated table, to the parties and the Board."

In response to Mr. Sidlofsky's email, Mr. Shepherd stated in his email, received by the Board subsequent to Mr. Sidlofsky's communications that:

“the information referred to ..., having been distributed publicly by [Horizon], is no longer confidential as a matter of general law, and should no longer be confidential for the Board's purposes.

We would appreciate confirmation from the Board with respect to the status of this information or, alternatively, an opportunity to provide submissions with respect to the status of confidential information that is made public”

The Board is of the view that the information was filed inadvertently and as such ought not to be placed on the public record. Further, the Board directs parties that have received this material to return it to Horizon or its legal counsel and not disclose it publicly. The Board is aware that Horizon is claiming confidentiality with respect to responses to certain other interrogatories in addition to Energy Probe # 26. The Board intends to deal with all claims for confidentiality with respect to all affected interrogatories in due course and in accordance with the process set out in the *Practice Direction on Confidential Filings*.

Yours truly,

Original signed by

Kirsten Walli
Board Secretary