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April 5, 2011

DELIVERED BY E-MAIL

James Sidlofsky
Borden Ladner Gervais LLP
Scotia Plaza, 40 King Street W
Toronto, ON M5H 3Y4

Dear Mr. Sidlofsky:

Re: EB-2010-0131 - Horizon Utilities Corporation

We are counsel to the Association of Major Power Consumers in Ontario ("AMPCO") and are intervening in the above matter.

We received yesterday from you a letter setting out the witness panels you intend to call and the responsibilities of each.

I am writing because I may have a conflict created by the order in which you intend to deal with these matters.

AMPCO's cross-examination will focus on the issues to be dealt with by Panel 3; namely, Operating Revenue, Cost of Capital and Rate of Return, Cost Allocation and Rate Design. We may also have questions with respect to certain Deferral and Variance Accounts. Depending on the cross-examination of other Intervenors, we may also have some questions of Panel 2 on the issue of Operating Costs.

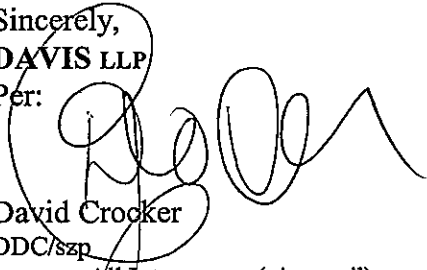
I have a trial which began some time ago and is continuing on April 13, 14 and 15, 2011. As I understand it, the Energy Board proposes to sit on April 14, 2011 on this matter.

Anything that you can do to have the matters to be dealt with by Panel 3 heard on April 11, 2011 would be most appreciated. It may naturally fall out that Panel 3 will be up on April 11, 2011; however, anything that you can do to ensure that this happens would be most appreciated.

I look forward to hearing from you.

Sincerely,
DAVIS LLP

Per:


David Crocker
DDC/szp

cc: All Intervenors (via email)

cc: The Board (via email)

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