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May 10, 2011

Delivered by E-mail and Courier

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. During the oral hearing in this matter, the Board established the following deadlines:

- April 21, 2011 – Horizon Utilities’ argument-in-chief;
- May 2, 2011 – Board Staff submission;
- May 6, 2011 – Intervenor submissions; and
- May 17, 2011 – Horizon Utilities’ reply submission.

Horizon Utilities’ argument-in-chief was delivered on April 21st. Further to Board Staff’s letter of May 2nd, in which they advised that there would be a delay in filing their submission, the Board Staff submission was received in the afternoon of May 4, 2011. By an email message sent on May 4, 2011, counsel to the Consumers Council of Canada (“CCC”) requested that he be permitted to file CCC’s argument in this matter on Monday, May 9th rather than Friday, May 6th. In that message, Mr. Warren confirmed that CCC would have no objection to a corresponding extension for Horizon Utilities’ reply submission. The Board granted Mr. Warren’s request.

The submission of the School Energy Coalition was delivered by e-mail early in the morning of Friday, May 6, 2011. The VECC submission was received early in the evening of May 6th, and the Energy Probe submission was received late that evening. The CCC submission was received yesterday afternoon in keeping with Mr. Warren’s extension request. To date, we have seen no submission from AMPCO. I have been in contact with counsel to AMPCO, who advised that a confidential version of the AMPCO submission was delivered only to the Board on Thursday of last week, and it has not yet been provided to the Applicant or other parties that have signed the Board’s form of confidentiality undertaking. I understand that we will be receiving the document tomorrow.

Horizon Utilities had no objection to Mr. Warren’s request. However, the delayed timing of the delivery of various submissions, now totalling over 250 pages, and the current delay in delivery of the submission from AMPCO, will make it challenging for Horizon Utilities to meet the

Board's May 17, 2011 deadline for Horizon Utilities' reply submission. While we and our client continue to work diligently to meet that deadline, we wish to advise the Board that Horizon Utilities may require a few additional days in order to finalize the reply. If we are unable to achieve the May 17, 2011 deadline, we anticipate that the reply will be delivered no later than Friday, May 20, 2011.

Should you have any questions or require further information, please do not hesitate to contact me.

Yours very truly,

BORDEN LADNER GERVAIS LLP

Original Signed by James C. Sidlofsky

James C. Sidlofsky

JCS/ac

cc. Keith Ritchie, Ontario Energy Board
John G. Basilio, Horizon Utilities Corporation
Indy J. Butany-DeSouza, Horizon Utilities Corporation
Intervenors of Record

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