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BY E-MAIL

June 10, 2011

To: Applicant and all Intervenors

**Re: Horizon Utilities Corporation
Application Board File Number - EB-2010-0131**

In accordance with the schedule established at the oral hearing on April 11, 2011¹, the Board ordered that Argument-in-Chief be filed by April 21, 2011, Board staff's submission be filed by May 2, 2011, intervenor submissions by May 6, 2011 and reply argument by May 17, 2011. The Consumers Council of Canada requested and was granted approval to file its submission by May 9, 2011. On May 10, 2011, Horizon advised that, in light of the volume of material in submissions to be addressed, it would file its reply submission no later than May 20, 2011.

Although some submissions were filed in both a public redacted format and a confidential format, and others were filed solely in public versions, other submissions were filed with a blanket request for confidentiality of the entire submission. The Board is very concerned that certain intervenor submissions were filed over four weeks ago in confidence and yet no public version of the submission has been filed.

Parties are required, pursuant to section 6.3.2 of the Board's *Practice Direction on Confidential Filings*, to make every effort to prepare their submission so that the entire document can be placed on the public record. Where it is necessary to make specific reference to confidential information the party filing the submission should either file a public redacted version along with a confidential version or file an appendix to the public document that contains the confidential information.

The Board also notes that Horizon filed its 159-page reply submission fully in confidence on May 20, 2011, but has not to date filed a redacted public version.

The failure of parties to file public versions of their submissions is not only disrespectful to the Board, but also to the public which has a right to transparency of the Board's processes. The delay has also affected the Panel's ability to draft its Decision.

¹ Tr., Vol. 3 (April 11, 2011), pg. 175/l. 1 to pg. 177/l. 8

Parties are hereby directed to file public versions of their submissions, in full accordance with the *Practice Direction on Confidential Filings*, by no later than 4:45 p.m. on Wednesday, June 15, 2011.

Yours truly,

Original Signed By

Kirsten Walli
Board Secretary