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Ms. K. Walli
Board Secretary
Ontario Energy Board
P.O. Box 2319
2300 Yonge Street
26th Floor
Toronto, On M4P 1E4

January 14, 2009

Dear Ms. Walli:

RE: COLLUS Power Corp.
Board File EB-2008-0226

COLLUS Power has been notified of a late request which has been filed with the Ontario Energy Board from the advocacy group Rogers Cable Communications Inc. (Rogers) to register as an Intervenor for our 2009 rate application.

We are requesting the Intervenor request be denied on the following grounds:

1. Rogers request for Intervenor status comes very late in COLLUS Powers 2009 Rate application process and Rogers has had ample opportunity to register as an Intervenor within the rate application review process as noted:
 - a. COLLUS Power filed the 2009 rate application "on time" as Board File EB-2008-0226 on August 15, 2008.
 - b. On September 10, 2008, the OEB published the Notice of Application and Hearing for an Electricity Distribution Rate Change for COLLUS Power! The Notice of Application requested those parties wishing intervenor status to send a letter of intervention. Such a request was not made by Rogers at that time.
 - c. The OEB issued Procedural Order No.1 on October 6, 2008 advising that written interrogatories were to be filed and delivered by October 31, 2008 and a listing of registered Intervenor was provided within the Order Rogers was not listed as a registered Intervenor as a request for Intervenor status was not received by that time.
 - d. COLLUS Power received notification on October 7, 2008 of a late request for Intervenor Status from AMPCO. This Late Request for Intervenor Status was granted by the Board.
 - e. The OEB issued Procedural Order No. 2 on October 22, 2008 requiring COLLUS Power and Intervenor to respond regarding each parties position on the need for a Technical Conference. Rogers did not provide any request for Intervenor or Observer status at that time.
 - f. The OEB issued Procedural Order No. 3 on December 3, 2008 requesting COLLUS Power, Board Staff and all parties to provide response if further discovery was required, whether a settlement conference would be appropriate and whether a written or oral hearing is preferred. Rogers did not provide any input or request Intervenor status at that time.

- g. On December 10, 2008 COLLUS received notice that one of the Intervenor had requested an extension to their filing submission for Procedural Order No 3 had been approved.
 - h. The OEB issued Procedural Order No. 4 on December 18, 2008 to allow Intervenor or Board staff to ask clarification questions to existing interrogatory questions. Rogers did not provide any input or request at that time.
- 2. Rogers is citing COLLUS's prefiled evidence related to customer forecasts which contains the following statement: *COLLUS Power Corp expects the number of customers in the USL classes to decrease within the next year, as metering units continue to be added where possible.*

The issue of metering USL customers is not new as COLLUS has been installing meters on new USL connections "where possible" for a number of years. Even Rogers has some installations which are metered, and some which are not.
- 3. Rogers is citing reference to potential impacts related to Revenue to Cost Ratios. It is within the Board's discretion to determine if the bill impacts for USL resulting from implementing the results of the cost allocation study are appropriate. It should be noted that streetlight customers will also have a rate impacts in excess of 10% due to the implementation of the cost allocation study.
- 4. COLLUS Power staff, Board Staff, and the four registered Intervenor have worked diligently to provide all required information and meet the deadlines of filing the rate application including the 1st and 2nd rounds of interrogatories as requested by the OEB. COLLUS understands that Rogers is not intending to seek costs, however COLLUS asks that the Board recognize the potential impacts on staff from all parties related to the addition of a new intervenor this late in the process, and on the ability of the Board to continue the goal issuing a approval of the application by May1, 2009. If Rogers' request for Intervenor status were to be granted by the OEB, COLLUS would request that Rogers not be allowed to introduce new evidence in order to ensure that all parties which have participated in the process over the last 6 months are not unduly disadvantaged.

If you require further information please contact the undersigned at your earliest convenience.

Sincerely,



Mr. T.E. Fryer CMA
Chief Financial Officer
COLLUS Power Corp.