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**BY E-MAIL**

January 21, 2009

Mr. Ian Mondrow  
Macleod Dixon LLP  
Toronto Dominion Center  
Canadian Pacific Tower  
P. O. Box 128  
Toronto ON M5K 1H1

Dear Mr. Mondrow:

**Re: Request for Intervenor Status  
COLLUS Power Corp.  
Application for Approval of 2009 Electricity Distribution Rates  
Board File No. EB-2008-0226**

On January 9, 2009, the Board received a letter from Rogers Cable Communications Inc. ("Rogers") requesting late intervenor status in the proceeding related to the COLLUS Power Corp. ("COLLUS") application for approval of 2009 electricity distribution rates. Rogers indicated, among other things, that Rogers is an integrated cable and communications company that receives electricity for its cable signal amplification power supplies from distributors throughout Ontario. Rogers is served as an unmetered scattered load (USL) load from COLLUS.

In its letter, Rogers acknowledged that this proceeding is well under way and that the additional second round of interrogatories are in the completion phase. Rogers submitted that if a late intervention is granted:

- It is fully prepared to accept the record of this proceeding as it stands, subject only to specific direction otherwise that it might seek from, and justify to the Board;
- It has no intention of unnecessarily or materially expanding the scope or timelines of the proceeding;

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- It would like to be included in the distribution of further materials in this proceeding;
- Rogers would request that it be permitted to participate in any further interlocutory process that the Board directs in this proceeding; and
- It would like to be entitled to file a final argument in respect of issues of direct impact.

Rogers noted that it is aware of the relative size of COLLUS, and the Board's desire for cost effectiveness and efficiencies in the rate setting process. Rogers stated that it does not intend to seek costs in this proceeding. Finally, Rogers stated that as a ratepayer of COLLUS, it feels that it has a direct interest in this proceeding to address its issues.

On January 14, 2009, the Board received a letter from COLLUS in which COLLUS objected to the late intervention request by Rogers and requested that the Board deny Rogers' request for late intervenor status on the following grounds:

- The request has been filed very late in this proceeding;
- Rogers has had ample opportunity to register as an intervenor within the rate application review process and the set timelines in the Board's Notice of Application and Hearing for an Electricity Distribution Rate Change for COLLUS issued on September 10, 2008;
- Rogers did not provide any request for intervenor or observer status at the time when the Board issued various Procedural Orders;
- 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;
- Rogers cites potential impacts related to Revenue to Cost Ratios and 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; and
- The Board should recognize the potential impacts on COLLUS' staff related to the addition of a new intervenor this late in the process.

Finally, COLLUS submitted that if Rogers' request for intervenor status were to be granted by the Board, Rogers should 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.

On January 15, 2009, Rogers responded to COLLUS' objection letter and reiterated its request for late intervenor status in this proceeding. In its response letter, Rogers restated that it is prepared to accept the record as it currently stands, subject only to specific direction otherwise that it might seek from, and justify to the Board, and stated that it does not intend to unnecessarily or materially expand the scope or timelines of this proceeding.

In this case and in a number of procedural orders that the Board has recently issued in other 2009 electricity distribution rate cases, the Board has expressed its concerns regarding the costs of an intervention that can be relatively significant for a smaller distributor. The Board stated that it will take into account the quality and relevance of interventions. In addition, the Board noted that it would consider any duplication of effort by the intervenors in this proceeding. In this case the Board notes that Rogers is not planning to seek costs related to its intervention.

The Board has considered the submissions of Rogers and COLLUS. It is clear that Rogers, as a USL customer of COLLUS, will be directly impacted by the outcome of the proceeding and that Rogers has a unique perspective among the intervenors. The Board confirms Rogers as an intervener in this proceeding. A revised list of intervenors is attached to this correspondence.

Yours truly,

*Original Signed By*

Kirsten Walli  
Board Secretary

cc: T.E. Fryer, COLLUS Power Corp.  
Darius Vaiciunas, COLLUS Power Corp.  
All other parties