

**Ontario Energy
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**Commission de l'énergie
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BY E-MAIL

February 2, 2009

Bruce Noble
Chief Executive Officer
65 Dundas Street East
Paris ON N3L 3H1

Dear Mr. Noble:

**Re: Brantford Power Inc. ("Brantford")
2009 Incentive Regulation Mechanism ("2009 IRM") Rate Application
Board File Number EB-2008-0162**

In your letter dated January 20, 2009, you requested intervenor status in the above proceeding. In the Notice of Application the Board issued to Brantford on November 21, 2008 (the "Notice"), no provision was made for interested parties to become intervenors. Accordingly, the Board has not granted nor will it grant intervenor status to Brant County Power Inc. ("Brant County").

Instead, as the Notice indicated, "Anyone who wishes to make a submission on the application must file that written submission with the Board and deliver it to the applicant by February 2, 2009." Accordingly, anyone wishing to make a submission in this proceeding may do so; obtaining intervenor status is not a pre-requisite.

In a letter dated January 29, 2009, Brantford indicated that it views that the issues Brant County intends to raise in its submission, as described in Brant County's letter dated January 20, 2009, are outside the scope of the hearing or otherwise inappropriate. The Board will consider the matters raised by Brant County and Brantford in their communication and any additional submissions filed by the dates prescribed in the Notice.

The Board notes from Brant County's letter that Brant County intends to file a motion to "rehear" the Brantford 2008 cost of service Decision dated July 18, 2008 (EB-2007-0698). The Board notes that Brant County did not intervene in EB-2007-0698 and that the deadline for filing such a review has expired according to Rule 42.03 of the Board's

Rules of Practice and Procedure. The Board invites Brant County to refer to Rules 42 to 45 of the Board's Rules of Practice and Procedure for the rules governing the filing and determination of Motions to Review and address these sections if it proceeds with its planned motion. The Rules are available on the "Rules, Codes, Guidelines & Forms" webpage in the "Industry Relations" portion of the Board's website at www.oeb.gov.on.ca.

Yours truly,

Original Signed by

Kirsten Walli,
Board Secretary

c: George Mychailenko, Brantford Power Inc.
James Sidlofsky, Counsel, Borden Ladner Gervais LLP