



February 2, 2009

Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
2300 Yonge Street, 27th Floor
Toronto, ON M4P 1E4

Dear Ms. Walli:

**Re: Union Gas – Late Payment Penalty Litigation Costs
Deferral Account No. 179-113 (EB-2008-0417)**

Pursuant to the Board's Notice of Written Hearing and Procedural Order No.1 dated January 20, 2009, parties to the above-noted proceeding had until January 29th to file submissions with respect to this matter. Since no parties made submissions, Union will not be filing a reply submission.

Union respectfully requests that the Board approve the proposed amendment to the accounting order for Deferral Account No. 179-113 to include the cost of any judgement against Union in the account as filed. Please contact me at (519) 436-5476 if you have any questions.

Yours truly,

[original signed by]

Chris Ripley
Manager, Regulatory Applications

c.c.: Michael Penny, Torys
EB-2008-0417 Intervenors