



COLLUS Power Corp
P.O. Box 189, 43 Stewart Road
Collingwood ON L9Y 3Z5
Phone: (705) 445-1800
Operations Department Fax: (705) 445-0791
Finance Department Fax: (705) 445-8267
www.collus.com

February 17, 2008

Ontario Energy Board
26th Floor
2300 Yonge Street
Toronto, ON M4P 1E4

Attention: Kirsten Walli (Board Secretary)

**RE: COLLUS Power Corp
2009 Electricity Distribution Rate Application
Board File No. EB-2008-0226**

Late Filing of School Energy Coalition ("SEC") submission.

Dear Kirsten Walli:

COLLUS Power Corp "COLLUS" respectfully requests that the Ontario Energy Board not accept the February 17, 2009 late filing of SEC. The late filing is apparently in response to the Board Procedural Order #5 on our Application that set Friday February 13, 2009 by 4:45pm as the deadline for an intervenor to respond.

Previously in the process for our Application the Board granted an extension to a deadline for submissions in regard to Procedural Order #3. VECC submitted their request for extension in advance of the deadline and the Board chose to accept it. The Board then issued notice that the extension would be granted to all parties associated with this Application. It is COLLUS's belief that a late filing with no notice cannot be allowed as it would circumvent the established regulatory process. In this particular case it is easily recognized that if the late filing is allowed it will create an unfair situation. SEC has chosen to file late and by doing so gained the opportunity to review appropriately filed submissions of Energy Probe and VECC before finalizing their argument. Their delay allowed them to argue against certain positions that EP and VECC have provided in their submissions. Not only does this taint the legal process but there is definitely an unfair advantage being garnered by SEC over VECC given that both parties represent distinctly different customer classes.

In addition COLLUS has recently been informed by Board staff that our process is lagging behind by approximately 10 days. COLLUS has met all filing requirements on time. Given the importance of meeting the deadlines set out by Board staff, over the past 4 days COLLUS staff completed a "draft" response document in preparation for presentation to the COLLUS Board of Directors at their February 18th meeting. Local Board approval is required before COLLUS can table the final submission. SEC's tardiness and failure to meet the deadline impedes our ability to meet the filing deadline of Feb. 25th.

COLLUS continues to maintain that any delay in the Decision regarding our Application is not of our doing and therefore the May 1, 2009 rate implementation date should still be targeted. This objection is not just about time constraints, rather it is about due process. SEC had to know well in advance of the February 13th deadline that it would not make it, yet SEC did not request an extension. SEC then chose to take advantage of the opportunity to scrutinize what had been filed on time by EP and VECC.

COLLUS believes that all parties have worked diligently in a cooperative manner throughout the Application process. As noted above COLLUS has specific concerns related to this particular late filing. Please contact us if you require any further information regarding this matter.

Respectfully Submitted,

A handwritten signature in black ink, appearing to be 'T. E. Fryer', with a long horizontal line extending to the right.

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