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**Commission de l'Énergie
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BY E-MAIL

February 19, 2009

Mr. T. E. Fryer CMA
Chief Financial Officer
COLLUS Power Corp.
Box 189, 43 Stewart Road
Collingwood, ON L9Y 3Z5

Dear Mr. Fryer:

**Re: Late Filing of School Energy Coalition (“SEC”) Submission
COLLUS Power Corp.– 2009 Distribution Rate Application
Board File No. EB-2008-0226**

On February 17, 2009, the Board received a letter from COLLUS Power Corp. (“COLLUS” or the “Applicant”) requesting that the Board not accept the February 17, 2009 late filing of SEC. The late filing was in response to Procedural Order No. 5 that set a deadline of Friday February 13, 2009 for intervenors to file submissions with the Board.

COLLUS took issue with the fact that SEC had to have known well in advance of the February 13th deadline that it would not make it but did not request an extension from the Board. COLLUS submitted that a late filing with no notice should not be allowed, as it would circumvent the established regulatory process and that if a late filing is allowed, it would create an unfair situation. COLLUS indicated that SEC had chosen to file late and by doing so gained an opportunity to review submissions filed by Energy Probe (EP) and the Vulnerable Energy Consumers Coalition (VECC) and argued against certain positions taken by EP and VECC. COLLUS stated that this created an unfair advantage for SEC over VECC given that both parties represent distinctly different customer classes.

COLLUS stated that its staff had completed a “draft” response document to present to its Board of Directors on February 18th, 2009, as an approval from its Board is required before COLLUS files its final submission. Furthermore, COLLUS raised a concern regarding its ability to meet the filing deadline of February 25th for its reply submissions.

COLLUS also raised concerns for a delay of the Board's decision in this Application and the May 1, 2009 rate implementation date.

The Board has considered COLLUS' objection to the late filing of SEC's submissions.

The Board wishes to underscore the importance of its case timelines and the impact that these timelines have on the timing of Board decisions and ultimately on rate implementation. In particular, the Board feels that it is important for the parties to comply with established case timelines to ensure a timely issuance of the Board decision. The Board is also of the view that it is important that parties provide prior notice to the Board by filing a request for an extension if they foresee having difficulty meeting the set timelines.

In this case, however, the Board has determined that it will accept the late filing of SEC's final submission. The Board notes that the SEC submission was received on February 17th, less than one full business day after the deadline for receipt of such submissions. While the Board does not take late filings lightly, it does not believe that in this case, any party will be prejudiced by the delay. The Board is not troubled by the fact that SEC was able to view the submissions of VECC and EP prior to filing its submissions. The Board is of the view that it is helpful for rate proceedings and that it serves the public interest if parties freely express their positions and actively exchange their views. The Board also notes that the intervenors have been coordinating their activities throughout the 2009 EDR proceedings and the Board encourages them to do so.

The Board does not anticipate that SEC's late filing will materially impact the timing of the issuance of the Board Decision. If necessary, the Board will accommodate a reasonable request from COLLUS for an extension of the deadline for the preparation of its reply submissions.

Yours truly,

Original signed by

Kirsten Walli
Board Secretary

cc: All other parties