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APPRO

ASSOCIATION OF
POWER PRODUCERS
OF ONTARIO

February 27, 2009

Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
P.O. Box 2319
2300 Yonge Street, 27th Floor
Toronto, ON M4P 1E4

Dear Ms. Walli

RE: EB-2007-0905/EB-2008-0380 - Ontario Power Generation Inc. Notice of Motion for a Review and Variance of the November 3, 2008 Decision with Reasons.

APPRO is in receipt of OPG's January 28, 2009 Notice of Motion to vary the OEB's decision of November 3, 2008 in EB-2007-0905. APPRO was an Intervenor in EB-2007-0905.

APPRO supports OPG's request for an oral hearing of its motion. The submission accompanying OPG's Notice of Motion identifies a significant issue associated with the decision in EB-2007-0905 regarding regulatory tax loss and mitigation. OPG has not had an opportunity to respond to the treatment of this issue as it was not raised at the hearing and OPG's Notice of Motion filed on November 24, 2008 regarding the issue was dismissed, on preliminary grounds, without a hearing.

As you know, APPRO is the trade association which represents over 95 percent of the generators in the Ontario electricity market, and as such has an interest in assuring the OEB's processes provide a fair opportunity for intervenors to address matters such as the regulatory tax loss and mitigation issue raised by OPG. Accordingly, APPRO submits the OEB should hold a hearing of the motion.

Sincerely,

A handwritten signature in black ink, appearing to read 'David Butters', written over a large, light-colored oval shape.

David Butters
President & CEO