

March 23, 2009

**Robert B. Warren**  
T: 416-947-5075  
rwarren@weirfoulds.com

Kirsten Walli  
Board Secretary  
Ontario Energy Board  
Suite 2701  
2300 Yonge Street  
Toronto ON M4P 1E4

Dear Ms Walli:

**Re: EB-2009-0084/The Cost of Capital in Current Economic  
and Financial Market Conditions**

We are counsel to the Consumers Council of Canada (Council).

In its Notice of March 16, 2009, the Board states that the "Board's established formulaic methodology itself is not at issue" in the consultative process and that "the objective of this consultation is not to reconsider that established methodology". The Council's concern, however, is that a consideration of the values produced by the methodology, and of the relationships among these values, may result in a change in rates. Any change in rates can only be accomplished through an application, with the accompanying substantive and procedural requirements on all parties. Accordingly, while the Council intends to make comments on the issues set out in the Board's Notice, it wishes to put the Board, and all participants, on notice that it may take the position that, among other things, the results of the consultative process cannot effect a change in any rates and that the Board cannot act on the results of the consultative process without a further proceeding or proceedings.

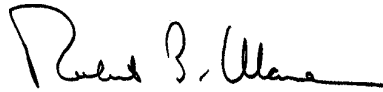
Our client is a non-profit, public interest entity which represents the interests of residential consumers of natural gas and electricity in Ontario. Our client has been an active participant in most, if not all, of the Board's proceedings dealing with the Cost of Capital for regulated natural gas and electricity distributors. The outcome of the Board's consultation may have an impact on the rates paid by residential consumers of natural gas and electricity.

Our client has no funds of its own to support its participation in the consultative process. In all of the proceedings, including consultative processes, in which our client has participated, it has been found by the Board to be eligible for a cost award.

Our client intends to cooperate with other consumer interests in the consultation process. In particular, our client intends to join with other consumers interests in the retaining of an expert, Dr. Laurence Booth, to provide advice on the issues identified in the Board's Notice. Counsel to the Vulnerable Energy Consumers Coalition will be making a request for funding to retain Dr. Booth.

Yours very truly,

**WeirFoulds LLP**

A handwritten signature in black ink, appearing to read "Robert B. Warren", written over a horizontal line.

Robert B. Warren

RBW/dh

cc: Joan Huzar  
cc: Julie Girvan  
cc: Peter Thompson  
cc: Jay Shepherd  
cc: Michael Buonaguro  
cc: All Participants

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