

June 2, 2009

**BY COURIER**

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

Dear Ms. Walli:

**Re: EB-2009-0101**

I am writing to the Board in connection with Procedural Order No. 1 in this matter issued on April 28, 2009. Procedural Order No. 1 provides for:

- (a) a settlement conference on May 27 and 28, 2009;
- (b) the filing of any settlement agreement on June 2, 2009;
- (c) the presentation of any settlement agreement to the Board on June 5, 2009; and
- (d) the commencement of a two day oral hearing on June 8, 2009.

At the settlement conference an agreement was reached on all issues in this proceeding between Union and all intervenors, except one, who participated in the settlement conference. It is our understanding that the non-agreeing entity does not support one aspect of the agreement reached between Union and all other participants in the settlement conference, but that they do not intend to litigate the matter, cross-examine witnesses or make further argument beyond filing a brief statement explaining their position. Union and the remaining intervenors are, however, proposing to ask the Board to accept the settlement they have reached notwithstanding the position of the one non-agreeing entity.

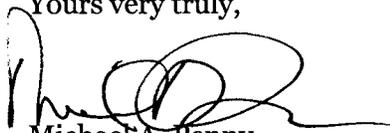
I am writing to the Board with the support of all the other parties to the agreement to ask that the schedule in Procedural Order No. 1 be amended to provide for:

- 1. the filing of the settlement agreement with the Board on June 4, 2009; and
- 2. the presentation of the settlement agreement to the Board on June 8 or 9, 2009.

There are a number of issues surrounding the drafting of the written settlement which remain to be resolved. These adjustments to the schedule will provide more time for the agreeing parties to resolve these issues before presenting the written agreement to the Board.

Thank you for your consideration of our request.

Yours very truly,



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