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Our File No. 09-1445

August 7, 2009

VIA FACSIMILE: 416.440.7656

Ms. Kristen Walli *62 A-5-11/09*
Board Secretary
Ontario Energy Board
PO Box 2319
2300 Yonge Street, 27th Floor
Toronto, ON M4P 1E4

Dear Ms. Walli:

**Re: Intervention of the Canadian Union of Public Employees, Local One, Board File
EB-2009-0243 Application by Toronto Hydro-Electric System Limited for an
energy distribution rate change**

We act for the Canadian Union of Public Employees, Local One, ("CUPE One", or, "the Union"). Please accept the following as the Union's request to the Ontario Energy Board (OEB) for Intervenor status in EB-2009-0243.

The intervenor

The Union is a "Trade Union" within the meaning of the Labour Relations Act, 1995, and is the sole bargaining agent for approximately 1200 inside and outside employees of Toronto Hydro-Electric System Limited ("THESL").

The interest of the intervenor and grounds for the intervention

The Union and its members have unparalleled knowledge in respect of the factual context giving rise to the present Application. Furthermore, as the sole bargaining agent for the above-noted employees, the Union has a substantial interest in the financial health of THESL and, in light of its representative responsibilities, CUPE One is committed to participating in regulatory processes that have direct bearing on the safe and efficient distribution and marketing of electricity to consumers in the Greater Toronto Area.

Scope of intended participation

The Union intends to intervene on the issue of the proposal for changes to rates put forward by THESL to the extent that the outcome of the Application may have material implications for CUPE One members. The Union intends to participate in this proceeding by, if necessary:



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submitting information requests; participating in pre-hearing and/or settlement conferences; cross-examining witnesses in any oral hearing that is scheduled; and, making submissions in final argument to the Board.

Request on costs

The Union requests that the Board find it eligible to receive a costs award and intends to seek costs on the basis that its contribution is invaluable to the proceeding, and its members' fundamental interests will be directly impacted by the Board's ultimate decision.

The hearing

The Union has a preference that an oral hearing be held in this matter and does not intend to participate in the hearing using the French language.

The Union's representatives

We ask that you provide the Union's representatives, listed below, with copies of all materials filed in this proceeding.

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The Union's delay

We apologize that this intervention letter request will be received after the 10 day period set out in the Notice of Application and Hearing, however, prior to this week our client was unaware that the Notice had been issued by the Board in respect of this matter. While the employer verbally indicated its intention with respect to the instant Application to the Union in July, the Union received no written notice that the Application was underway. Despite its substantial



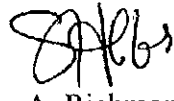
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interest in this proceeding, the Union has not been copied on any of the Applicant's subsequent filings, nor did the Union receive a copy of the Board's Notice of Application and Hearing.

The Union's delay is solely attributable to inadvertence arising from the above-noted lack of procedural information. Our client's delay is not substantial, nor does it result in any prejudice to the Applicant. As such, given the relevance of the Application to the Union and its members, the Union's expertise and its ability to contribute in a manner likely to significantly assist the Board's decision-making process, we ask that the Board exercise its discretion to extend the 10 day period on its own motion, pursuant to Rule 7.01. Please be advised that if the Board refuses to accept the Union's request for intervenor status, we intend to file a notice of motion for late intervention pursuant to Rule 23.05.

We look forward to the Board's response. If you have any questions please do not hesitate to contact the undersigned.

Sincerely,

per: 

L. A. Richmond

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c.c. Mr. Victor Demelo

