



SHIBLEY RIGHTON ^{LLP}
Barristers and Solicitors

Jay Shepherd
Direct Line (416) 214-5224
Direct Fax (416) 214-5424
jay.shepherd@shibleyrighton.com

TORONTO OFFICE:
250 University Avenue, Suite 700, Toronto, Ontario, M5H 3E5
Main 416 214-5200 Toll free 1-877-214-5200
Facsimile 416 214-5400

WINDSOR OFFICE:
2510 Ouellette Avenue, Windsor, Ontario, N8X 1L4
Main 519 969-9844 Toll free 1-866-522-7988
Facsimile 519 969-8045

www.shibleyrighton.com

Please Reply to the TORONTO OFFICE

BY EMAIL

August 13, 2009
Our File No. 2090661

Ontario Energy Board
2300 Yonge Street
27th Floor
Toronto, Ontario
M4P 1E4

Attn: Kirsten Walli, Board Secretary

Dear Ms. Walli:

Re: EB-2009-0243 – THESL Z Factor Application

We are counsel for the School Energy Coalition. We are writing this letter to seek late intervenor status in the above-mentioned proceeding.

We apologize for our late filing. We were unaware of this proceeding until yesterday. The Letter of Direction does not require THESL to serve all those who intervened in its previous rate case, as is often the case, and THESL's did not send it to us informally, as they sometimes do. It only surfaced because of our bi-weekly review of the EB number list, and investigation to determine the nature of the proceeding.

The School Energy Coalition does not intend to have a substantial involvement in this proceeding. Although the overall amount involved is material, the amount to be allocated as proposed to schools is quite small. Unless that allocation becomes an issue in the proceeding, the relief sought therefore has limited direct impact on schools. On the other hand, this is a unique case, in which the line of demarcation between the normal operational risks during IRM, and those that qualify for Z factor treatment, is being put into question. The Board can be expected to consider in this case the principles by which that line is drawn, and thus the decision may influence the Z factor applications of many other LDCs. For this reason, the School Energy Coalition believes that some involvement in the process is important.

GREAT LAKES
LAW

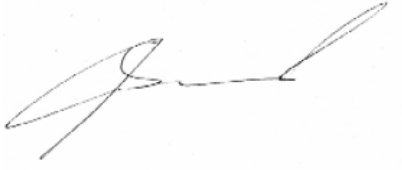


The School Energy Coalition intends to seek recovery of its reasonably incurred costs in connection with participation in this proceeding. The Board will be aware that we have been found eligible for costs in numerous proceedings in the past, and we are not ineligible by reason of any of the criteria in the Board's rules.

All of which is respectfully submitted.

Yours very truly,

SHIBLEY RIGHTON LLP

A handwritten signature in black ink, appearing to read "Jay Shepherd", is written over a light gray rectangular background.

Jay Shepherd

cc: Bob Williams, SEC (email)
Wayne McNally, SEC (email)
Interested Parties (email)