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August 17, 2009

BY EMAIL & COURIER

Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
2300 Yonge St, Suite 2701
Toronto ON M4P 1E4

Dear Ms. Walli:

Board File No. EB-2009-0243

**Re: Toronto Hydro-Electric System Limited – THESL Z Factor Application
Intervention of Energy Probe**

Pursuant to the Application filed by Toronto Hydro-Electric System Limited (THESL), dated June 30, 2009, Energy Probe Research Foundation (Energy Probe) is hereby requesting late intervenor status in the EB-2009-243 proceeding. An electronic version of this Intervention will be forwarded in PDF format.

Energy Probe apologizes for the late filing of our Notice of Intervention. Energy Probe was unaware of this proceeding until late last Friday when the matter was brought to our attention by another intervenor.

Energy Probe's lack of procedural information arose due to several factors: there was no notification of the Notice of Application and Hearing, issued July 17th, received from the Board's "What's New" communications service; the Letter of Direction issued July 17th to the Applicant did not direct it to provide service of its Application to those parties who were intervenors in its previous 2009 rate rebasing proceeding; and, Energy Probe did not find either the Notice of Application and Hearing or the Letter of Direction for this proceeding on the Board's web site when it conducted a search of newly filed applications a week ago.

Further, the Applicant did not provide Energy Probe with a copy of its application informally, as it has done on other occasions. Not only was Energy Probe an intervenor in the EB-2005-0421 and EB-2007-0680 rate proceedings of the Applicant, it is currently an intervenor in an application before the Board from THESL, EB-2008-0401, concerning DSM activities and has been contacted by the Applicant to provide the manner in which it wishes to receive copies of its 2010 Cost of Service Application.

Energy Probe Research Foundation 225 BRUNSWICK AVE., TORONTO, ONTARIO M5S 2M6

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Energy Probe has filed a Notice of Intervention in the EB-2009-0180 et al combined proceeding in which the current Applicant is seeking to take control of the very streetlighting assets of its affiliate, Toronto Hydro Energy Services Inc., that are the subject of the costs being dealt with in this proceeding.

It is our position that the delay in filing our Notice of Intervention has not resulted in any prejudice to the Applicant. Energy Probe urges the Board to accept the late interventions of the School Energy Coalition and the Canadian Union of Public Employees as well.

Energy Probe intends to seek a cost award in this proceeding, and expects to intervene responsibly, cognizant of the Board's guidelines regarding cost awards. The Board has found Energy Probe eligible for costs over the past 30 years.

Should you require additional information, please do not hesitate to contact me.

Yours truly,



David S. MacIntosh
Case Manager

cc: Colin McLorg, Toronto Hydro-Electric System Limited (By email)
Peter T. Faye, Counsel to Energy Probe (By email)
Interested Parties