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Ontario Energy Board
2300 Yonge Street, F27
Toronto, ON M4P 1E4

Attention: Ms. Kirsten Walli, Board Secretary

Dear Madam Secretary:

Re: EB-2008-0411: GAPLO/CAEPLA's Submissions re: possible new issue

Pursuant to the Board's Decision and Order dated August 5, 2009, we are writing on behalf of the GAPLO/CAEPLA intervention with respect to the possible new issue identified by the Board at paragraph 29 of the decision. GAPLO/CAEPLA supports the addition of the issue of consideration by the OEB of a different form of regulatory treatment for the Dawn Gateway Line insofar as an alternative regulatory treatment may reduce the need perceived by Dawn Gateway and Union Gas (and possibly other companies) to bump provincially-regulated pipeline landowners into the federal jurisdiction.

Should the new issue be added to the issues list, we look forward to receiving the Board's further direction on how the issue will be addressed in this proceeding. If the Board's intention is to limit the issue in the present proceeding to simply whether an alternative form of regulatory treatment should be available for the Dawn Gateway Line in the provincial jurisdiction, GAPLO/CAEPLA is content that the parties address this issue in written submissions.

Yours very truly,

COHEN HIGHLEY LLP

A handwritten signature in black ink, appearing to read 'P. Vogel', with a stylized, looping flourish at the end.

Paul Vogel

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c.c. Parties to EB-2008-0411 *via email*