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September 18, 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-2009-0263
Festival Hydro Inc. – 2010 Cost of Service Application
Intervention of Energy Probe

Pursuant to the Notice of Application and Hearing issued by the Board on September 11, 2009, Energy Probe Research Foundation (Energy Probe) is hereby providing Notice of Intervention in the EB-2009-0263 proceeding for the Board's consideration. An electronic version of this communication will be forwarded in PDF format.

Energy Probe has become aware of a number of issues it wishes to pursue in this Matter, and has therefore availed itself of expert support. Energy Board is in agreement with the Board's procedural process proposal in respect of a written hearing supplemented by technical conference and/or oral hearing to address certain specific issues, if required.

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

Yours truly,

David S. MacIntosh
Case Manager

cc: William Zehr, Festival Hydro Inc. (By email)
Debbie Reece, Festival Hydro Inc. (By email)
Randy Aiken, Aiken & Associates (By email)

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

Phone: (416) 964-9223 Fax: (416) 964-8239 E-mail: EnergyProbe@nextcity.com Internet: www.EnergyProbe.org

Ontario Energy Board

IN THE MATTER OF the *Ontario Energy Board Act, 1998*,
S.O. 1998, c.15, Sched. B, as amended;

AND IN THE MATTER OF an Application by Festival
Hydro Inc. for an Order or Orders approving or fixing just and
reasonable distribution rates and other charges, effective May
1, 2010.

NOTICE OF INTERVENTION

OF

ENERGY PROBE RESEARCH FOUNDATION

Energy Probe Research Foundation (Energy Probe) applies for intervenor status in this proceeding.

Statement of Interest

Energy Probe is a non-profit environmental and consumer organization which promotes economic efficiency in the use of resources. Energy Probe will be representing its residential customer supporters in Ontario, which we have some number of thousands, and also representing a broader public interest concern with respect to the overall financial health and operational integrity of our utilities. Energy Probe will be intervening on issues which the Foundation believes to be in the public interest.

Intervention

Energy Probe intends to appear and participate in the hearing. Energy Probe expects to be a full-time intervenor. Energy Probe will be assisted by experts and may call evidence.

Costs

Energy Probe is a non-profit organization which relies on individual donations to help protect the public interest. Without the prospect of an award of costs, Energy Probe's ability to participate in proceedings would be very limited. Energy Probe intends to seek a cost award in this proceeding, and expects to intervene responsibly, cognizant of the Boards guidelines regarding cost awards.

Communications

Communications relating to this Notice of Intervention, including but not limited to a copy of all documents filed with the Board by Festival Hydro Inc., are required by Energy Probe and should be directed to:

Mr. Randy Aiken
Aiken & Associates
578 McNaughton Ave. West
Chatham, Ontario, N7L 4J6
Tel: 1-519-351-8624
Fax: 1-519-351-4331
Electronic Mail: raiken@xcelco.on.ca

AND

David MacIntosh
c/o Energy Probe
225 Brunswick Ave.
Toronto ON M5S 2M6
Tel: 416 964-9223 Ext. 235
Fax: 416 964-8239
Email: DavidMacIntosh@nextcity.com

Energy Probe wishes to advise the Applicant that electronic copies, plus a CD, of the prefiled evidence, and any other supporting materials are sufficient for its consultant, Randy Aiken. In addition to electronic copies, plus a CD, of the prefiled evidence, please provide one hard copy of the Application and any other supporting materials to its Case Manager.

DATED at Toronto, Ontario this 18th day of September 2009.



David MacIntosh
Case Manager