

October 2, 2009

**BY COURIER (2 COPIES) AND EMAIL**

Ms. Kirsten Walli  
Board Secretary  
Ontario Energy Board  
P.O. Box 2319  
2300 Yonge Street, Suite 2700  
Toronto, Ontario M4P 1E4  
Fax: (416) 440-7656  
Email: boardsec@oeb.gov.on.ca

Dear Ms. Walli:

**Re: Pollution Probe – Request for Costs Eligibility, Intervenor List Update  
and Issues List Submissions  
EB-2009-0326 – MicroFIT Program – Rates**

We write to request cost eligibility on behalf of Pollution Probe for the above noted matter further to the Board's *Notice of a Proceeding ... and Procedural Order No. 1* and the Board's *Rules of Practice and Procedure*. We also request that Pollution Probe's contact information on the Intervenor's List be updated to include Pollution Probe's counsel. Finally, we also write to express Pollution Probe's support for the draft Issues List.

With respect to the request for cost eligibility and updating Pollution Probe's contact information:

- I. Pollution Probe intends to appear and participate as part of this proceeding.
- II. Pollution Probe is a public interest advocacy group with a large membership and donor base throughout Ontario. On behalf of its members, donors and the general public, Pollution Probe intends to support aggressive promotion of energy conservation, energy efficiency, and distributed generation. Pollution Probe may identify other interests based on its review of the materials.
- III. Pollution Probe requests two copies of the pre-filed evidence/materials, one to be delivered to Mr. Murray Klippenstein and myself as counsel for Pollution Probe at the law firm address above (e-mail addresses: murray.klippenstein@klippensteins.ca and basil.alexander@klippensteins.ca), and one to be delivered to its consultant, Mr. Jack Gibbons of Public Interest Economics. Electronic copies are sufficient, and we also request that the Intervenor's List be updated so that both counsel (Mr.

Klippenstein and Mr. Alexander) and Mr. Gibbons are listed under Pollution Probe, since this makes the later distribution of updates more effective. Mr. Gibbons is at:

Public Interest Economics  
625 Church Street, Suite 402  
Toronto ON M4Y 2G1  
Telephone: (416) 926-1907 x240  
Facsimilie: (416) 926-1601  
E-mail: jgibbons@pollutionprobe.org

IV. The intervenor's full name and address is:

Pollution Probe Foundation  
625 Church Street, Suite 402  
Toronto ON M4Y 2G1  
Telephone: (416) 926-1907  
Facsimile: (416) 926-1601

- V. Please send correspondence and any other materials to both Jack Gibbons and to counsel as the authorized representatives.
- VI. Pollution Probe intends to seek an award of costs for the reasons discussed above.
- VII. Pollution Probe requests the Board's directions as to whether this letter should be served on any other parties.

With respect to the draft Issues List (attached as Appendix B to the *Notice of a Proceeding ... and Procedural Order No. 1*), Pollution Probe agrees with the draft Issues List and supports adoption of it as the final Issues List for this proceeding.

We trust this is of assistance, and please do not hesitate to contact the undersigned if you wish to discuss this matter further.

Yours truly,



Basil Alexander

BA/ba

cc: List of Intervenors attached as Appendix C to the *Notice of a Proceeding ... and Procedural Order No. 1*