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BY E-MAIL ONLY

October 23, 2009

Mr. Jay Shepherd
Shibley Righton
250 University Avenue, Suite 700
Toronto, ON M5H 3E5

Dear Mr. Shepherd:

**Re: Draft Issues List re: Proceeding to Determine a Just and Reasonable Rate
to Recover the Costs Associated with Embedded Generators Having a
Nameplate Capacity of 10 kW or Less
Board File No. EB-2009-0326**

The Board has received School Energy Coalition's (SEC) filing with respect to a request for cost eligibility and comments on the draft issues list concerning the microFIT rate proceeding (EB-2009-0326). Pursuant to the Board's Procedural Order Number 1, issued on September 21, 2009, comments on the draft issues list were to be made not later than 14 days of the publication date of the Procedural Order; the deadline was therefore October 5, 2009. Hard copies of SEC's filing dated October 7, 2009 were received by the Board on October 14, 2009. Accordingly, SEC's comments were filed after the deadline, and the Board will not consider these comments.

With respect to the request for cost eligibility, the Board has determined that SEC is eligible for an award of costs.

Yours truly,

Original signed by

Kirsten Walli
Board Secretary