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December 8, 2009

via RESS and email

Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
P.O. Box 2319
2300 Yonge St
Toronto, ON M4P 1E4

Dear Ms. Walli:

**RE: EB-2009-0172: Enbridge Gas Distribution 2010 Rates
Toronto Hydro Request for Late Intervention – Clarification**

On December 2, Toronto Hydro-Electric System Limited ("THESL") wrote to the Board seeking the Board's grant of late intervention status in the above-captioned proceeding.

On December 4, APPRO wrote to the Board submitting that THESL's request should be denied.

For purposes of clarification only, THESL reiterates the statement it made in its original request: "THESL is completely prepared to accept the record of the proceeding as it stands and makes no request for any other procedural alteration." Specifically, THESL does not seek "an ultimate reply right in this proceeding", as stated by APPRO, with respect either to the Preliminary Motion or other aspects of this proceeding.

THESL agrees with APPRO that Sections 36 and 78 of the *OEB Act* are different. THESL understands, however, that there would still be a question of substance before the Board if it finds that it has the relevant jurisdiction under Section 36.

Please contact me as indicated below for all matters pertaining to this application.

Yours truly,

[original signed by]

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EB-2009-0172 Registered Intervenors