

December 11, 2009

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File 10606.00037

Kirsten Walli
Board Secretary
Ontario Energy Board
Suite 2701 - 2300 Yonge Street
Toronto ON M4P 1E4

Dear Ms Walli:

Re: Horizon Utilities Corporation ("Horizon")/EB-2009-0332

We are counsel to the Consumers Council of Canada ("CCC") in this matter.

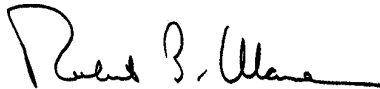
This letter responds to Horizon's claim of confidentiality with respect to the response to CCC's Interrogatory No. 7. It also responds to the direction, in Procedural Order No. 3, that parties provide their position with respect to whether the application should be disposed of by oral or written hearing.

CCC's Interrogatory No. 7 asks that Horizon "provide all materials provided to Horizon's Board of Directors when it sought approval of the Z-factor application". We submit that there is nothing inherently confidential about the material submitted to Horizon's Board of Directors. We submit, therefore, that this material should not be treated confidentially.

We agree with the suggestion of Mr. Sheppard, in his letter to you of December 9, 2009, that the most efficient way to dispose of the application is by way of an oral hearing, which we anticipate can be completed, including argument, in one day.

Yours very truly,

WeirFoulds LLP



Robert B. Warren

RBW/dh

cc: Horizon Utilities Corporation
Borden Ladner Gervais, LLP
Attention: J. Sidlofsky
1888870.1