

**Ontario Energy
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**Commission de l'énergie
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BY EMAIL

December 16, 2009

Mr. Kevin Barrett
Fair Solar Ontario
137 Denison Avenue
Toronto, ON M5T 2N2

Dear Mr. Barrett:

**Re: Fair Solar Ontario
microFIT Proceeding
Board File Number EB-2009-0326
Late Filing of Submission**

This is to acknowledge receipt of your letter which you filed with the Board, dated December 4, 2009 with respect to the EB-2009-0326 proceeding initiated by the Ontario Energy Board to determine and implement a distribution rate for embedded generators having a nameplate capacity of 10 kW or less. It appears that your letter is some form of submission, however as you may or may not be aware, unless you have been granted intervenor status you are not eligible to file a submission which would then form part of the record.

In its Procedural Order Number 1, dated September 21, 2009, the Board included a list of deemed intervenors for this proceeding. Subsequently additional parties submitted requests for intervenor eligibility and the Board, in Procedural Order Number 2, dated October 22, 2009, noted additional eligible intervenors. Accordingly, as you were not granted intervenor status, your submission will not be considered in this proceeding.

Yours truly,

Original signed by

John Pickernell
Assistant Board Secretary