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December 9, 2009

BY EMAIL & BY COURIER

Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
2300 Yonge St, Suite 2701
Toronto ON M4P 1E4

Dear Ms. Walli:

**Board File No. EB-2009-0347 Ontario Power Authority
Fiscal 2010 – Expenditure, Revenue and Fees Submission for Review
Intervention of Energy Probe**

Pursuant to the Board's Notice of Application and Hearing, dated November 27, 2009, Energy Probe Research Foundation (Energy Probe) is hereby providing Notice of Intervention in the EB-2009-0347 proceeding for the Board's consideration. An electronic version of Energy Probe's Notice will be provided in PDF format.

Energy Probe has become aware of a number of issues it wishes to pursue in this Matter, and has therefore availed itself of expert support. Based on our experience in past reviews of the Ontario Power Authority's (OPA) Expenditure, Revenue and Fees Submissions, it is the submission of Energy Probe that the public interest might best be served in this Matter through an Oral Hearing. It is the submission of Energy Probe that the Board should reserve its decision on further process until at least a round of interrogatories has been filed and responded to by the Applicant.

In the attached Notice of Intervention, Energy Probe requests one hard copy of OPA's prefiled evidence in addition to electronic copies.

The Board requested in the Notice of Application and Hearing that comments and/or additions to the Draft Issues List should be filed in conjunction with the filing of Notices of Intervention. Energy Probe has reviewed the December 4th submissions of the Vulnerable Energy Consumers Coalition (VECC) and with one notation, supports those submissions. Energy Probe notes that in VECC's proposal to add Issue No. 10, which Energy Probe supports, the Directive from the Minister of Energy and Infrastructure should refer to the date of *September 17, 2009*.

Energy Probe Research Foundation 225 BRUNSWICK AVE., TORONTO, ONTARIO M5S 2M6

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Energy Probe wishes to propose an additional issue, which could either stand by itself or form a sub-issue under the issue heading **General**, a category that the Board has found useful in past OPA proceedings. VECC's proposed issue could fit within a General category as well.

11.0 General

11.1 Has the OPA responded appropriately to the expectation of the Board Panel in respect of recasting the data in its pre-filed evidence to enable comparisons from year to year and to explain differences that arise from reallocations, as stated on page 4 of the Decision and Order in the EB-2008 -0312 proceeding?

Should you require additional information, please do not hesitate to contact me.

Yours truly,



David S. MacIntosh
Case Manager

cc: Miriam Heinz, Ontario Power Authority (By email)
Fred Cass, Aird & Berlis LLP (By email)
Peter Faye, Counsel to Energy Probe (By email)

Ontario Energy Board

IN THE MATTER OF sections 25.20 and 25.21 of the *Electricity Act, 1998*;

AND IN THE MATTER OF a Submission by the Ontario Power Authority to the Ontario Energy Board for the review of its proposed expenditure and revenue requirement for the year 2010.

NOTICE OF INTERVENTION

OF

ENERGY PROBE RESEARCH FOUNDATION

Energy Probe Research Foundation (Energy Probe) applies for intervenor status in this proceeding.

Statement of Interest

Energy Probe is a non-profit environmental and consumer organization which promotes economic efficiency in the use of resources. Energy Probe will be representing its residential customer supporters in Ontario, which we have some number of thousands, and also representing a broader public interest concern with respect to the overall financial health and operational integrity of our utilities. Energy Probe will be intervening on issues which the Foundation believes to be in the public interest.

Intervention

Energy Probe intends to appear and participate in the hearing. Energy Probe expects to be a full-time intervenor. Energy Probe will be assisted by experts.

Costs

Energy Probe is a non-profit organization which relies on individual donations to help protect the public interest. Without the prospect of an award of costs, Energy Probe's ability to participate in proceedings would be very limited. Energy Probe intends to seek a cost award in this proceeding, and expects to intervene responsibly, cognizant of the Boards guidelines regarding cost awards.

Communications

Communications relating to this Notice of Intervention, including but not limited to a copy of all documents filed with the Board by the Ontario Power Authority, are required by Energy Probe and should be directed to:

Peter T. Faye
Barrister and Solicitor
42 Eastwood Crescent
Markham ON L3P 5Z7
Tel: (905) 294-2013
Electronic Mail: pfaye@rogers.com

AND

David MacIntosh
c/o Energy Probe
225 Brunswick Ave.
Toronto ON M5S 2M6
Tel: 416 964-9223 Ext. 235
Fax: 416 964-8239
Electronic Mail: DavidMacIntosh@nextcity.com

In addition, Energy Probe requests that one hard copy of the Application and any other documents filed with the Board by the Ontario Power Authority be forwarded to its case manager.

DATED at Toronto, Ontario this 9th day of December 2009.

A handwritten signature in black ink, appearing to read 'David MacIntosh', with a stylized flourish at the end.

David MacIntosh
Case Manager