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February 17, 2010

Delivered by Courier

Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
2300 Yonge Street, 27th Floor
Toronto, Ontario
M4P 1E4

Dear Ms. Walli:

**Re: Horizon Utilities Corporation – Z-Factor Application
Board File No.EB-2009-0332**

We are counsel to Horizon Utilities Corporation (“Horizon Utilities”) in the above captioned matter. At the conclusion of the *in camera* hearing in this proceeding, the Board set February 12, 2010 as the filing deadline for staff and intervenor submissions, and February 19, 2010 as the deadline for Horizon Utilities’ reply submission.

Confidential Board Staff (“Staff”) and intervenor submissions were received on February 12th with the exception of the School Energy Coalition (“Schools”) submission which was received on the February 15th Family Day statutory holiday, for the reasons provided by counsel to Schools.

We and our client are working diligently to prepare Horizon Utilities’ confidential reply to the five sets of Staff and intervenor submissions, but with the shortened work week and the recent illness of Ms. Butany-DeSouza, one of our client’s key staff members in this matter, Horizon Utilities will require a brief amount of additional time to complete the submission. We anticipate that Horizon Utilities’ confidential reply will be delivered by Tuesday, February 23, 2010 at the latest.

We regret any inconvenience this may cause, and we thank the Board in advance for its consideration in this matter. Should you have any questions or require further information, please do not hesitate to contact me.

Yours very truly,
BORDEN LADNER GERVAIS LLP

Original Signed by James Sidlofsky

James C. Sidlofsky
JCS

Vancouver
•
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Ottawa
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Montréal
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Calgary



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- cc. Martin Davies, Ontario Energy Board
John G. Basilio, Horizon Utilities Corporation
Indy J. Butany-DeSouza, Horizon Utilities Corporation
Individuals that have signed the Board's form of Declaration and Undertaking
with respect to confidentiality

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