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June 12, 2010

BY EMAIL & 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-2009-0274**

**Whitby Hydro Electric Corporation – 2010 Cost of Service Application  
Confidentiality Request of Applicant**

In respect of the Applicant's request that certain material be treated in accordance with the OEB's *Practice Direction on Confidential Filings*, please find Declaration and Undertaking forms executed by the consultants acting for Energy Probe Research Foundation (Energy Probe) in the EB-2009-0274 proceeding. An electronic version of this communication will be forwarded in PDF format.

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

Yours truly,

David S. MacIntosh  
Case Manager

cc: Ramona Abi-Rashed, Whitby Hydro Electric Corporation (By email)  
Andrew Taylor, Ogilvy Renault LLP (By email)  
Randy Aiken, Aiken & Associates (By email)  
Intervenors of Record (By email)

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

Phone: (416) 964-9223 Fax: (416) 964-8239 E-mail: [EnergyProbe@nextcity.com](mailto:EnergyProbe@nextcity.com) Internet: [www.EnergyProbe.org](http://www.EnergyProbe.org)

**IN THE MATTER OF** the *Ontario Energy Board Act, 1998*;  
S.O. 1998, c.15, Schedule B;

**AND IN THE MATTER OF** an application by Whitby Hydro  
Electric Corporation for an order approving just and  
reasonable rates and other charges for electricity distribution  
to be effective May 1, 2010.

DECLARATION AND UNDERTAKING

I, Randall E. Aiken, am a consultant for Energy Probe Research Foundation.

DECLARATION

I declare that:

1. I have read the *Rules of Practice and Procedure* of the Ontario Energy Board (the "Board") and all Orders of the Board that relate to this proceeding.
2. I am not a director or employee of a party to this proceeding for which I act or of any other person known by me to be a party in this proceeding.
3. I understand that this Declaration and Undertaking applies to all information that I receive in this proceeding and that has been designated by the Board as confidential and to all documents that contain or refer to that confidential information ("Confidential Information").
4. I understand that execution of this Declaration and Undertaking is a condition of an Order of the Board, that the Board may apply to the Superior Court of Justice to enforce it.

UNDERTAKING

I undertake that:

1. I will use Confidential Information exclusively for duties performed in respect of this proceeding.
2. I will not divulge Confidential Information except to a person granted access to such Confidential Information or to the Board.
3. I will not reproduce, in any manner, Confidential Information without the prior written approval of the Board. For this purpose, reproducing Confidential Information includes scanning paper copies of Confidential Information, copying the Confidential

Information onto a diskette or other machine-readable media and saving the Confidential Information onto a computer system.

4. I will protect Confidential Information from unauthorized access.

5. I will, promptly following the end of this proceeding or within 10 days after the end of my participation in this proceeding:

- (a) return to the Board Secretary, under the direction of the Board Secretary, all documents and materials in all media containing Confidential Information, including notes, charts, memoranda, transcripts and submissions based on such Confidential Information; or
- (b) destroy such documents and materials and file with the Board Secretary a certification of destruction in the form prescribed by the Board pertaining to the destroyed documents and materials.

For this purpose, the end of this proceeding is the date on which the period for filing a review or appeal of the Board's final order in this proceeding expires or, if a review or appeal is filed, upon issuance of a final decision on the review or appeal from which no further review or appeal can or has been taken.

6. I will inform the Board Secretary immediately of any changes in the facts referred to in this Declaration and Undertaking.

Dated at Chatham, Ontario, Canada this 11<sup>th</sup> day of June, 2010.

Signature: Randall E. Aiken

Name: Randall E. Aiken

Company/Firm: Aiken & Associates

Address: 578 McNaughton Ave. West  
Chatham ON N7L 4J6

Telephone: (519) 351-8624

Fax: (519) 351-4331

E-mail: raiken@xcelco.on.ca

**Appendix D**  
**Form of Declaration and Undertaking**

**EB-2009-0274**

**IN THE MATTER OF** the *Ontario Energy Board Act*,  
1998; S.O. 1998, c.15, Schedule B;

**AND IN THE MATTER OF** an Application by Whitby  
Hydro Electric Corporation for an Order approving  
just and reasonable rates and other charges for  
electricity distribution to be effective May 1, 2010.

**DECLARATION AND UNDERTAKING**

I, David S. MacIntosh, am a consultant for Energy Probe Research Foundation.

**DECLARATION**

I declare that:

1. I have read the *Rules of Practice and Procedure* of the Ontario Energy Board (the "Board") and all Orders of the Board that relate to this proceeding.
2. I am not a director or employee of a party to this proceeding for which I act or of any other person known by me to be a party in this proceeding.
3. I understand that this Declaration and Undertaking applies to all information that I receive in this proceeding and that has been designated by the Board as confidential and to all documents that contain or refer to that confidential information ("Confidential Information").
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For this purpose, the end of this proceeding is the date on which the period for filing a review or appeal of the Board's final order in this proceeding expires or, if a review or appeal is filed, upon issuance of a final decision on the review or appeal from which no further review or appeal can or has been taken.

6. I will inform the Board Secretary immediately of any changes in the facts referred to in this Declaration and Undertaking.

Dated at Toronto, Ontario, Canada this 12<sup>th</sup> day of June, 2010.

Signature: 

Name: David S. MacIntosh

Company/Firm: Borealis Energy Research Association

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Toronto ON M5S 2M6

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