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August 17, 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-2009-0269**  
**Newmarket-Tay Power – Cost of Service Application**  
**Intervention of Energy Probe**

Pursuant to the Notice of Application and Hearing issued by the Board on August 11, 2010 in respect of Newmarket-Tay Power Distribution Limited, Energy Probe Research Foundation (Energy Probe) is hereby providing Notice of Intervention in the EB-2009-0269 proceeding for the Board's consideration. An electronic version of this communication will be forwarded 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. Energy Probe does not object to the Board proceeding with an oral hearing as outlined in the Notice of Application and Hearing.

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

Yours truly,

David S. MacIntosh  
Case Manager

cc: Iain Clinton, Newmarket-Tay Power Distribution Limited (By email)  
Paul Ferguson, Newmarket-Tay Power Distribution Limited (By email)  
Andrew Taylor, Energy Law (By email)  
Randy Aiken, Aiken & Associates (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)

## Ontario Energy Board

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

**AND IN THE MATTER OF** an Application by Newmarket-Tay Power Distribution Ltd. for an Order or Orders approving or fixing just and reasonable rates and other charges for the distribution of electricity and related matters.

### 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 and may call evidence.

#### 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 Board's 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 Newmarket-Tay Power Distribution Ltd., are required by Energy Probe and should be directed to:

Mr. Randy Aiken  
Aiken & Associates  
578 McNaughton Ave. West  
Chatham, Ontario, N7L 4J6  
Tel: 1-519-351-8624  
Fax: 1-519-351-4331  
Email: randy.aiken@sympatico.ca

AND

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

Energy Probe wishes to advise the Applicant that electronic copies, plus a CD, of the prefiled evidence, and any other supporting materials are sufficient for its Case Manager, David MacIntosh. In addition to electronic copies, plus a CD, of the prefiled evidence, please provide one hard copy of the Application and any other supporting materials to its consultant, Randy Aiken.

DATED at Toronto, Ontario this 17<sup>th</sup> day of August 2010.



David MacIntosh  
Case Manager