

November 8, 2010

Delivered by RESS and Courier

Ontario Energy Board  
P.O. Box 2319  
27<sup>th</sup> Floor  
2300 Yonge Street  
Toronto, ON M4P 1E4

Attention: Ms. Kirsten Walli, Board Secretary

Re: Notice of Proceeding on Recovery of Costs and Damages for Late Payment Penalty Class  
Action, Board File Number EB-2010-0295.

Dear Ms. Walli:

On October 29, 2010, the Ontario Energy Board issued its Notice of Application and Hearing on a proceeding initiated by the Ontario Energy Board to determine whether Affected Electricity Distributors should be allowed to recover from their ratepayers the costs and damages incurred as a result of the Minutes of Settlement approved on April 21, 2010 by the Honourable Mr. Justice Cumming of the Ontario Superior Court of Justice and as amended by the addenda dated July 7 and 8, 2010 in the late payment penalty class action, and if so, the form and timing of such recovery.

The Board also directed all Affected Electricity Distributors to publish the Notice within ten days of the date of the letter of direction.

NPEI wishes to inform the Board that it will not be able to meet the ten day deadline. Due to the nature of NPEI's service territory, notices are published in four different newspapers, two of which are only published weekly. NPEI has arranged for publication of the English version of the Notice in the Niagara Falls Review, The Voice (Pelham) and the West Niagara News on Wednesday, November 10, and in Niagara This Week on Thursday November 11.

To the best of NPEI's knowledge, there is no French language newspaper published in its service territory.

Sincerely,



Suzanne Wilson  
VP Finance