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**BY EMAIL**

December 2, 2010

To: Canadian Niagara Power Inc.;  
Port Colborne Hydro Inc.;  
Fort Albany First Nation;  
Kashechewan Power Corporation;  
PUC Distribution Inc.  
Hydro One Remote Communities Inc.

**Re: Recovery of Costs and Damages for Late Payment Penalty (LPP) Class  
Action – Board File No. EB-2010-0295**

On October 29, 2010 the Board issued a Notice of Proceeding (Notice) in the above matter. The Board directed all Affected Electricity Distributors to publish the Notice by November 8, 2010 and to provide the Board with an affidavit confirming publication immediately thereafter. On November 19, 2010 the Board also issued a reminder stating the same.

“Affected Electricity Distributors” means licensed Ontario electricity distributors that are named as defendant class members in Schedule F of the April 21, 2010 Minutes of Settlement in the LPP Class Action.

It has since been brought to the Board’s attention that Canadian Niagara Power Inc., Port Colborne Hydro Inc., Fort Albany First Nation, Kashechewan Power Corporation, PUC Distribution Inc. and Hydro One Remote Communities Inc. who are named as defendant class members in Schedule F do not appear to have any balances that are attributed to them arising from the settlement of the LPP Class Action, as per Schedule G of the April 21, 2010 Minutes of Settlement. These distributors have also not published the Board’s Notice.

It is therefore possible that these distributors are not seeking to recover costs arising from the settlement of the LPP Class Action and as such do not intend to participate in this proceeding. However, none of the distributors have confirmed that this is the case.

The Board directs each of Canadian Niagara Power Inc., Port Colborne Hydro Inc., Fort Albany First Nation, Kashechewan Power Corporation, PUC Distribution Inc. and Hydro One Remote Communities Inc., to immediately notify the Board whether it intends to participate in this proceeding. If the Board does not receive the above notification by December 9, 2010, the Board will definitively conclude that these distributors do not intend to participate in this proceeding and are therefore not seeking to recover any costs in relation to the LPP Class Action in this proceeding or in any future proceeding.

A copy of the April 21, 2010 Minutes of the Settlement and all other documents in this case are available on the Board's website at <http://www.oeb.gov.on.ca/html/EB-2010-0295>.

Yours truly,

*Original Signed By*

Kirsten Walli  
Board Secretary

c.: All Licensed Electricity Distributors  
M.Tucci, EDA