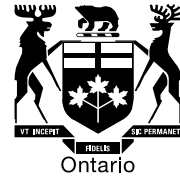


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**BY E-MAIL**

December 6, 2010

Douglas Bradbury  
Director  
Algoma Power Inc.  
2 Sackville Avenue, Suite A  
Sault Ste. Marie, ON P6B 6J6

Dear Mr. Bradbury:

**Re: Algoma Power Inc.  
Application for 2010 and 2011 Distribution Rates  
Board File Number EB-2009-0278**

On December 2, 2010, Algoma Power Inc. ("Algoma Power") filed with the Ontario Energy Board a proposed amendment to the Revised Settlement Proposal, dated September 17, 2010.

The Revised Settlement Proposal had been accepted by the Board at the oral hearing held on September 29, 2010 and was part of the Board's written decision issued November 11, 2010.

The Board considers the proposed amendment to the Revised Settlement Proposal, at the post-decision stage of the EB-2009-0278 proceeding, essentially to be a motion to review the Board's decision dated November 11, 2010. The Board also notes that not all the parties to the proceeding were signatories to the settlement agreement.

If Algoma Power wishes to proceed on this basis, Algoma should file a motion consistent with the requirements as found in the Board's rules *of Practice and Procedure*, and with special regard to Part VII – Review.

Part VII rules 42-45 set out, amongst other things, the information a party must provide which will be considered by the Board in its determination of the matter. Applicable rules include:

*42.01 Subject to Rule 42.02, any person may bring a motion requesting the Board to review all or part of a final order or decision, and to vary, suspend or cancel the order or decision.*

*44.01 Every notice of a motion made under Rule 42.01, in addition to the requirements under Rule 8.02, shall:*

- (a) set out the grounds for the motion that raise a question as to the correctness of the order or decision, which grounds may include:
  - (i) error in fact;*
  - (ii) change in circumstances;*
  - (iii) new facts that have arisen;*
  - (iv) facts that were not previously placed in evidence in the proceeding and could not have been discovered by reasonable diligence at the time; and**
- (b) if required, and subject to Rule 42, request a stay of the implementation of the order or decision or any part pending the determination of the motion.*

*45.01 In respect of a motion brought under Rule 42.01, the Board may determine, with or without a hearing, a threshold question of whether the matter should be reviewed before conducting any review on the merits.*

The Board notes that pursuant to the Board's rules of Practice and Procedure (rule 42.03) parties are to file and serve motions to review within 20 calendar days of the date of order or decision. Accordingly, a motion to review should also include a request for an exemption to the 20 day filing requirement.

Yours truly,

*Original signed by*

Kirsten Walli  
Board Secretary

cc: Counsel for the Applicant/Mr. Andrew Taylor  
Intervenors