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December 8, 2010

**Delivered by Email & Mail**

Ms. Kirsten Walli, Board Secretary  
Ontario Energy Board  
2300 Yonge Street,  
Ste. 2701  
Toronto ON M4P 1E4

Dear Ms. Walli

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

We are counsel to Port Colborne Hydro Inc. ("PCH"). In response to the Board's correspondence to our client dated December 2, 2010, PCH does intend to participate in the above noted proceeding as an "Affected Electricity Distributor". We are advised that as a result of an administrative oversight PCH was not listed on Schedule G to the April 21, 2010 Minutes of Settlement (notwithstanding the PCH was named as a defendant class member in Schedule F of the Minutes of Settlement).

Accordingly, PCH will publish the Notice of Proceeding as attached to the Board's October 29, 2010 Letter of Direction as soon as possible. We will work with the EDA in terms of revising Appendix A to the evidence it filed with the Board on November 8, 2010 to include PCH in the schedule setting out each LDC's portion of the Allocated Amount. We trust this is satisfactory to the Board. If you have any questions please contact us.

Yours very truly,

**BORDEN LADNER GERVAIS LLP**

*Original signed by J. Mark Rodger*

J. Mark Rodger

copy to:

Robert Heil, CAO, City of Port Colborne

Rudra Mukherji, OEB  
Kristi Sebalj, OEB  
Maurice Tucci, EDA  
Alan Mark, counsel to EDA  
Andrew Taylor, counsel to Canadian Niagara Power

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