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BY EMAIL and RESS

December 6, 2010

Ms. Kirsten Walli, Board Secretary
Ontario Energy Board
2300 Yonge Street
27th Floor
Toronto, ON M4P 1E4

Dear Ms. Walli:

Re: EB-2010-0195 – Notice of Proceeding on Recovery of Costs and Damages for Late Payment Penalty Class Action

I am writing on behalf of my client Canadian Niagara Power Inc. ("CNPI") in regard to the above-referenced matter. According to the October 29, 2010 Letter of Direction, all "Affected Electricity Distributors" are required to publish the Board's Notice as specified. For the purpose of the Board's proceeding, "Affected Electricity Distributors" means "licensed Ontario electricity distributors that were named as defendant class members in Schedule F of the Minutes of Settlement." Although CNPI was listed in Schedule F of the Minutes of Settlement, it should not have been. CNPI is not a municipal electric utility. It is privately owned. Further, according to the Minutes of Settlement, the Defendant Class is described as follows:

"Toronto Hydro and all other **local municipal electricity distribution companies** (or their successor corporations) in Ontario which have charged Late Payment Penalties on overdue utility bills at any time after April 1, 1981." [emphasis added]

CNPI is presently looking into having the Minutes of Settlement amended to remove it from Schedule F. Because CNPI is not a party to the settlement, CNPI does not intend to publish the Notice in regard to the distribution facilities that it owns.

With respect to the distribution facilities that CNPI leases from Port Colborne Hydro Inc. ("PCHI"), CNPI is currently in discussions with PCHI regarding: (i) whether PCHI intends to take part in the settlement; and if so (ii) whether PCHI will be publishing the Notice on its own behalf.

Sincerely,



Andrew Taylor

cc. Port Colborne Hydro Inc.