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February 2, 2011

BY EMAIL & COURIER

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

Dear Ms. Walli:

**Board File No. EB-2010-0074**  
**Chatham-Kent Hydro Inc. – 2011 3<sup>rd</sup> Gen IRM Application**  
**Energy Probe – Notice of Intervention**

Pursuant to the Notice of Application and Hearing issued by the Board on October 7, 2010, Energy Probe Research Foundation (Energy Probe) is hereby providing Notice of Intervention in the EB-2010-0074 proceeding for the Board's consideration.

Energy Probe had not planned to intervene in this proceeding. However, it has come to our attention that an issue has arisen in the IRM application that requires parties from the settlement agreement in the 2010 rebasing application (EB-2009-0261) to be involved. We request the Board grant Energy Probe late intervenor status; we accept the record as it stands. This matter has been discussed with counsel for Chatham-Kent Hydro, Mr. James Sidlofsky.

Should you require additional information, please do not hesitate to contact me.

Yours truly,

David S. MacIntosh  
Case Manager

cc: Dave Kenney, Chatham-Kent Hydro Inc. (By email)  
David Ferguson, Chatham-Kent Hydro Inc. (By email)  
James Sidlofsky, Borden Ladner Gervais LLP (By email)  
Randy Aiken, Aiken & Associates (By email)  
Interested Parties (By email)

**Energy Probe Research Foundation** 225 BRUNSWICK AVE., TORONTO, ONTARIO M5S 2M6

Phone: (416) 964-9223 Fax: (416) 964-8239 E-mail: [EnergyProbe@nextcity.com](mailto:EnergyProbe@nextcity.com) Internet: [www.EnergyProbe.org](http://www.EnergyProbe.org)

**Ontario Energy Board**

**IN THE MATTER OF** the *Ontario Energy Board Act, 1998*,  
S.O. 1998, c.15, Sched. B, as amended;

**AND IN THE MATTER OF** an Application by Chatham-  
Kent Hydro Inc. for an Order or Orders approving or fixing  
just and reasonable distribution rates and other charges,  
effective May 1, 2011.

**NOTICE OF INTERVENTION**

**OF**

**ENERGY PROBE RESEARCH FOUNDATION**

Energy Probe Research Foundation (Energy Probe) applies for intervenor status in this proceeding.

**Statement of Interest**

Energy Probe is a non-profit environmental and consumer organization which promotes economic efficiency in the use of resources. Energy Probe will be representing its residential customer supporters in Ontario, which we have some number of thousands, and also representing a broader public interest concern with respect to the overall financial health and operational integrity of our utilities. Energy Probe will be intervening on issues which the Foundation believes to be in the public interest.

**Intervention**

Energy Probe intends to appear and participate in the hearing. Energy Probe expects to be a full-time intervenor. Energy Probe will be assisted by experts and may call evidence.

**Costs**

Energy Probe is a non-profit organization which relies on individual donations to help protect the public interest. Without the prospect of an award of costs, Energy Probe's ability to participate in proceedings would be very limited. Energy Probe intends to seek a cost award in this proceeding, and expects to intervene responsibly, cognizant of the Board's guidelines regarding cost awards.

## Communications

Communications relating to this Notice of Intervention, including but not limited to a copy of all documents filed with the Board by Chatham-Kent Hydro Inc., are required by Energy Probe and should be directed to:

Mr. Randy Aiken  
Aiken & Associates  
578 McNaughton Ave. West  
Chatham, Ontario, N7L 4J6  
Tel: 1-519-351-8624  
Fax: 1-519-351-4331  
Electronic Mail: raiken@xcelco.on.ca

AND

David MacIntosh  
c/o Energy Probe  
225 Brunswick Ave.  
Toronto ON M5S 2M6  
Tel: 416 964-9223 Ext. 235  
Fax: 416 964-8239  
Email: DavidMacIntosh@nextcity.com

DATED at Toronto, Ontario this 2<sup>nd</sup> day of February 2011.

A handwritten signature in dark ink, appearing to read "David MacIntosh", is positioned above the printed name and title.

David MacIntosh  
Case Manager