



FRASER MILNER CASGRAIN LLP

Jerry H. Farrell
Direct Line: (416) 863-4384
jerry.farrell@fmc-law.com

VIA E-MAIL & COURIER

February 20, 2008

Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
2300 Yonge Street, Suite 2700
Toronto, Ontario
M4P 1E4

Dear Ms. Walli:

**Re: Hydro Ottawa Limited;
2008 Electricity Distribution Rates;
Board File No. EB-2007-0713**

I filed a confidentiality request on behalf of Hydro Ottawa with you on December 20, 2007 for documents that were responsive to SEC Interrogatory #31. This interrogatory requested "a copy of the IBM contract" that is referred to, by implication, on page 11 of Exhibit D1-1-1 (Operations, Maintenance and Administration Costs). Neither SEC nor any other party objected to the confidentiality request and, as a result (presumably), the Board has not made a decision on the confidentiality request under section 5.1.9 of its *Practice Direction on Confidential Filings*.

All of the OM&A issues have been completely settled, except for Issue 3.4 (capitalization process), and the Board approved these and the other completely settled issues on January 24, 2008 near the end of the settlement hearing. Neither SEC nor any other party made mention of the confidentiality request during this hearing.

The Board held an oral hearing of Hydro Ottawa's evidence on Issue. 3.4 on February 4, 2008. SEC did not make mention of the confidentiality request during this hearing. The argument phase of this proceeding was completed on February 12, 2008.

The Board's *Practice Direction on Confidential Filings* is silent on the procedure to be followed in these circumstances. There is now no reason for the Board to make a decision under section 5.1.9 of the practice direction, in the light of the foregoing, and so section 5.1.12 as written does not apply to Hydro Ottawa. Hydro Ottawa is nevertheless requesting that the information be withdrawn and returned to me.

Yours very truly,

(signed) J. H. Farrell

JHF/ko

cc: Ms. Lynne Anderson
Hydro Ottawa

All Intervenors