

December 13, 2011

BY COURIER (2 COPIES) AND EMAIL

Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
P.O. Box 2319
2300 Yonge Street, Suite 2700
Toronto, Ontario M4P 1E4
Fax: (416) 440-7656
Email: boardsec@oeb.gov.on.ca

Dear Ms. Walli:

**Re: Pollution Probe – Request for Intervenor Status
EB-2011-0295 – Enbridge – 2012-2014 DSM Plan**

We are writing to request intervenor status on behalf of Pollution Probe for the above noted matter further to the Board's *Rules of Practice and Procedure*, and to ask that the Board accept this late application.

Reasons for Late Application

The deadline for submitting letters of intervention passed on November 14, 2011. Pollution Probe asks that the Board accept this late application for the following reasons. First, this deadline was missed due to an inadvertent oversight. Second, we are advised that Enbridge does not oppose Pollution Probe's request for intervention. Third, we only discovered a few hours ago that this deadline had been overlooked, and we promptly moved to remedy the situation by providing this letter of intervention. We apologise for this oversight, and ask that intervention status be granted despite the short delay.

Please also advise whether the Board will require that a formal Notice of Motion be filed under Rule 23.05 requesting the acceptance of this late application. Due to the circumstances described above, it may be that a formal Notice of Motion is not necessary.

Information Required Under Rule 23.03

With respect to the intervention:

- I. Pollution Probe intends to appear and participate at the hearing or hearings.

- II. Pollution Probe is a public interest advocacy group with a large membership and donor base throughout Ontario. On behalf of its members, donors and the general public, Pollution Probe supports cost-effective energy efficiency programs that reduce customers' energy bills.
- III. Pollution Probe was an active participant in the Enbridge DSM Settlement Agreement process that led to a near-complete proposed settlement of all DSM issues. Pollution Probe wishes to participate to support the proposed Settlement Agreement and to make submissions on the outstanding issue about the magnitude of the shareholder DSM incentive and on other issues that might arise that impact Pollution Probe's interests.
- IV. Pollution Probe requests two copies of the pre-filed evidence/materials, one to be delivered to Murray Klippenstein, Basil Alexander, and myself as counsel for Pollution Probe at the law firm address above (e-mail addresses: murray.klippenstein@klippensteins.ca, basil.alexander@klippensteins.ca, and kent.elson@klippensteins.ca), and one to be delivered to its consultant, Jack Gibbons of the Ontario Clean Air Alliance. Electronic copies are sufficient, and we also request that counsel (Mr. Klippenstein, Mr. Alexander, and Mr. Elson) and Mr. Gibbons be listed on the intervenors' list under Pollution Probe, since this makes the later distribution of updates more effective. Mr. Gibbons is at:

Ontario Clean Air Alliance
 160 John Street, Suite 300
 Toronto, Ontario M5V 2E5
 Telephone: (416) 260-2080 ext. 2
 Facsimile: (416) 598-9520
 E-mail: jack@cleanairalliance.org

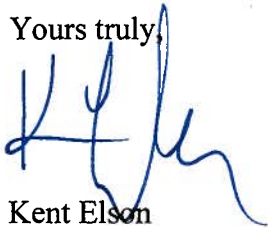
- V. The intervenor's full name and address is:

Pollution Probe Foundation
 150 Ferrand Drive, Suite 208
 Toronto, Ontario M3C 3E5
 Telephone: (416) 926-1907
 Facsimile: (416) 926-1601

- VI. Please send correspondence and any other materials to both Jack Gibbons and to counsel as the authorized representatives.
- VII. Pollution Probe intends to seek an award of costs for the reasons discussed above.

VIII. Pollution Probe requests the Board's directions as to whether this Notice of Intervention should be served on any other parties.

Yours truly,

A handwritten signature in blue ink, appearing to read 'Kent Elson', written over the text 'Yours truly,'.

Kent Elson

cc: Norm Ryckman, Enbridge Gas Distribution Inc., by email to
EGDRegulatoryProceedings@enbridge.com

Dennis M. O'Leary, Aird & Berlis LLP, by email to doleary@airdberlis.com