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

Dear Ms. Walli:

**Re: EB-2011-0417 – Horizon Utilities Corporation
2011 Smart Meter Prudence Application**

We are counsel to Horizon Utilities Corporation (“Horizon Utilities”) in respect of the above-captioned matter. On December 13, 2011, Horizon Utilities filed with the Ontario Energy Board (the “Board”) a Smart Meter Prudence Application (the “Application”) (Board File No. EB-2011-0417).

The Application was filed in accordance with the Board’s Guideline G-2008-0002 – *Smart Meter Funding and Cost Recovery* (the “2008 Guideline”). Section 1.5 of the 2008 Guideline required an applicant to file, among other supporting documentation, “a copy of the agreement(s) under which the smart meter assets have been procured”. Pursuant to this requirement, copies of four agreements were filed with the Board in confidence in accordance with the Board’s *Practice Direction on Confidential Filings* (the “Practice Direction”). The agreements were designated as Appendices 5, 6, 7 and 8 to the Application. The reasons for the confidential filing of the agreements were set out in the Application.

Following the filing of the Application, on December 15, 2011, the Board released Guideline G-2011-0001 – *Smart Meter Funding and Cost Recovery – Final Disposition* (the “2011 Guideline”). The 2011 Guideline no longer requires the filing of the agreement(s). Rather, Section 3.5 states that in applications, “A general description of contractual arrangements with the selected vendors should be provided.”

Horizon Utilities submits that it has described the contractual arrangements undertaken in support of Horizon Utilities’ Smart Meter Implementation Program in the Application, in compliance with the 2011 Guideline, and that the agreements are not necessary for this Application. Further to Horizon Utilities’ recent discussions with Board staff in this regard, Horizon Utilities respectfully withdraws these documents from the Application. Horizon Utilities asks that the Board return all copies of the agreements previously filed with the Board in conjunction with this proceeding, and would be pleased to have a representative attend at the Board’s offices to retrieve them.

We thank you for your assistance in this matter. Should you have any questions or require further information in this regard, please do not hesitate to contact me.

Yours very truly,
BORDEN LADNER GERVAIS LLP

Original Signed by James C. Sidlofsky

James C. Sidlofsky
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