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August 6, 2008

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-2007-0776
Newmarket-Tay Power Distribution Ltd. – 2008 Rates Rebasing Application
Intervention of Energy Probe

Pursuant to the Notice of Application, issued by the Board on July 21, 2008, Energy Probe Research Foundation (Energy Probe) is hereby providing Notice of Intervention in the EB-2007-0776 proceeding for the Board's consideration. An electronic version of this communication will be forwarded in PDF format.

Energy Probe has become aware of a number of issues it may wish to pursue in this Matter, and has therefore availed itself of expert support. Energy Board has not fully reviewed the Applicant's evidence and has not as yet determined if an oral hearing is appropriate.

It is the position of Energy Probe that it would be appropriate for the Board to consider utilizing the lessons learned in the 2008 applications which were filed in a more timely manner and were the subject of the Board's July 17, 2008 webcast and background material titled *Your 2009 Cost of Service Rate Application: The Hearing Process and the Filing Guidelines*.

During the interrogatory process in a number of 2008 cost of service applications, it seemed that responses to intervenor and Board staff interrogatories appeared to raise as many questions as were answered. As the Applicant has not previously appeared before the Board in a cost of service proceeding, Energy Probe submits that both an interrogatory process and a Technical Conference should be scheduled, followed by an ADR. At the conclusion of the ADR, the Board could decide whether all outstanding issues might be addressed through a Written Hearing or if a limited number of issues required a short Oral Hearing, as in the case of EB-2007-0697, the Horizon Utilities Corporation proceeding.

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

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

Perhaps it would be appropriate for Board staff to craft a more formal draft Issues List than appears in the Application, to which parties might respond in writing.

Should you have any questions or require additional information, please do not hesitate to contact me.

Yours truly,

A handwritten signature in black ink, appearing to read 'David S. MacIntosh', with a long horizontal flourish extending to the right.

David S. MacIntosh
Case Manager

cc: Iain Clinton, Newmarket-Tay Power Distribution Ltd. (By email)
Randy Aiken, Aiken & Associates (By email)
Michael Buonaguro, Counsel to VECC (By email)
Bill Harper, Consultant to VECC (By email)

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 Newmarket-Tay Power Distribution Limited for an Order or Orders approving or fixing just and reasonable rates and other service charges for the distribution of electricity.

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.

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 Newmarket-Tay Power Distribution Limited, 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 S. MacIntosh
c/o Energy Probe
225 Brunswick Ave.
Toronto ON M5S 2M6
Tel: 416 964-9223 Ext. 235
Fax: 416 964-8239
Electronic Mail: DavidMacIntosh@nextcity.com

Energy Probe wishes to advise the Applicant that electronic copies of the Application and any other supporting materials are sufficient for Energy Probe and its consultant, Mr. Randy Aiken.

DATED at Toronto, Ontario this 6th day of August 2008.

A handwritten signature in black ink, appearing to read 'David S. MacIntosh', with a long horizontal flourish extending to the right.

David S. MacIntosh
Case Manager