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September 23, 2008

BY EMAIL & BY 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-2008-0223
Canadian Niagara Power Inc. – Fort Erie
2009 Rates Rebasing Application – Intervention of Energy Probe

Pursuant to the Notice of Application, issued by the Board on September 5, 2008, Energy Probe Research Foundation (Energy Probe) is hereby providing Notice of Intervention in the EB-2008-0223 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 Probe has not fully reviewed the Applicant's evidence and has not as yet determined whether a technical conference, an oral hearing or both are appropriate. Once the interrogatory phase of this proceeding is complete, Energy Probe will be in a position to provide comment to the Board.

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

Yours truly,

David S. MacIntosh
Case Manager

cc: Douglas Bradbury, Canadian Niagara Power Inc. (By email)
R. Scott Hawkes, Canadian Niagara Power Inc. (By email)
Charles Keizer, Ogilvy Renault LLP (By email)
Peter T. Faye, Counsel to Energy Probe (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 Internet: www.EnergyProbe.org

Ontario Energy Board

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

AND IN THE MATTER OF an application by Canadian
Niagara Power Inc. – Fort Erie for an Order or Orders approving
or fixing just and reasonable rates and other charges for the
distribution of electricity as of May 1, 2009.

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 Boards 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 Canadian Niagara Power Inc. – Fort Erie are required by Energy Probe and should be directed to:

Peter T. Faye
Barrister and Solicitor
42 Eastwood Crescent
Markham ON L3P 5Z7
Tel: (905) 294-2013
Email: pfaye@rogers.com

AND

David 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 required by Mr. Faye. In addition to electronic copies of material, Energy Probe requests that one hard copy of the Application and any other supporting materials be forwarded to its Case Manager.

Respectfully submitted at Toronto, Ontario this 23rd day of September 2008.



David MacIntosh
Case Manager