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RECEIVED

MAY 27 2009

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May 27, 2009

Ms. Kirsten Walli <sup>28/5/09</sup>  
Board Secretary  
Ontario Energy Board  
P.O. Box 2319  
2300 Yonge St.  
Toronto, ON  
M4P 1E4

Dear Ms. Walli:

Re: **Canadian Niagara Power Inc.**  
**Application for 2009 Electricity Distribution Rates**  
**Board File No. EB-2008-0222, EB-2008-0223**

EB-2008-0222/0223/0224 ✓

OEB BOARD SECRETARY	
File No:	SubFile: 16
Panel	PV, KQ
Licensing	Lee H.
Other	Rjuba C.
09/04 TRIM	

VIA MAIL and E-MAIL

We are writing with respect to the deadline of Thursday, May 28 for submitting argument on the first two of the three CNPI applications.

Based on our projections over the next two days we do not think that we will be able to complete our argument for these two applications by the required deadline. A confluence of OEB related deadlines over several different proceedings, including the submissions due in the IFRS proceeding and the Suite Metering proceeding, IR's due in multiple other proceedings, as well as a technical conference and a settlement conference, all due or happening this week, have pushed our resources to the limit. We believe we have been able to meet our various other deadlines, but do not think we will be able to provide our full argument with respect to EB-2008-0222 and EB-2008-0223 by the Thursday deadline.

Accordingly we would respectfully ask that the Board allow us, and presumably other intervenors, to file our arguments on these two utility applications on Monday June 1, 2009. It is our belief that, overall, this should not delay the proceedings, as there are overlapping issues related to the third CNPI rate application, Port Colborne, which will prompt the Board to consider all three applications at once. It is our understanding that material remains to be filed with respect to the outstanding Port Colborne issues, as

well as an oral hearing component, such that the 2 day extension we are requesting should have no impact on the overall timeline of the proceeding.

We thank the Board for considering our request.

Yours truly,

A handwritten signature in black ink, appearing to be 'M. Buonaguro', written in a cursive style.

Michael Buonaguro  
Counsel for VECC