



Toronto-Dominion Centre  
Canadian Pacific Tower  
100 Wellington Street West  
Suite 500, P.O. Box 128  
Toronto, Ontario,  
Canada M5K 1H1

Main: (416) 360-8511  
Fax: (416) 360-8277

www.macleoddixon.com

**Ian A. Mondrow**  
Counsel

Direct Phone: (416) 203-4435

E-mail: [ian.mondrow@macleoddixon.com](mailto:ian.mondrow@macleoddixon.com)

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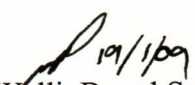
Nicki Pellegrini

Regulatory Coordinator

Direct Phone: (416) 203-4466

E-mail: [nicki.pellegrini@macleoddixon.com](mailto:nicki.pellegrini@macleoddixon.com)

January 16, 2009

  
Ms. Kirsten Walli, Board Secretary  
**ONTARIO ENERGY BOARD**  
2300 Yonge Street, 27th Floor  
Toronto ON M4P 1E4

Dear Ms. Walli:

**Re: EB-2008-0233: Innisfil Hydro Distribution System Ltd. (Innisfil) 2009 Distribution Rates Application.**

Further to our letter of January 9<sup>th</sup> requesting late intervention on behalf of Rogers Cable Communications Inc. ("Rogers"), we have received and reviewed Innisfil's response to Rogers' request.

Rogers' request for intervention at this late stage in the proceeding was based on concerns regarding statements by Innisfil in evidence, which statements were more recently elaborated on in interrogatory responses, indicating a proposal by Innisfil to meter USL facilities, and in particular telecom amplifiers.

Innisfil's response to Rogers' request for late intervention states (at page 2, under point numbered 2) as follows:

*The issue of metering USL customers is not expected to be addressed until 2010 when smart meters are installed. At that time, Innisfil will be submitting a smart meter rate adder application to recover the cost of smart meters. The issue of metering USL customers can be addressed at that time when Innisfil will have a better understanding of whether such a practise will be implemented. Since this is more of a 2010 issue it is Innisfil's view that it is out of scope for the 2009 rate application.*

Upon review of Innisfil's response we contacted Ms. Cooledge at Innisfil directly with the intention of confirming the foregoing representation that "[t]he issue of metering USL customers can be addressed at that time when Innisfil will have a better understanding of whether such a practise will be implemented" [emphasis added]. We have been advised by Ms. Cooledge that smart metering of USL customers, if it proceeds at all, would not proceed prior to 2010. We were also advised that should Innisfil propose to proceed with a plan to meter USL customers, such would be noted in the Manager's Statement filed by Innisfil as part of its 2010 IRM application late in 2009.

On the basis of this understanding, and as the dollar impact on Rogers in 2009 of the USL rate increase is relatively minimal, Rogers is prepared to, and hereby does, withdraw its application for late intervention herein. Should the matter of metering telecom amplifiers remain unresolved as between Rogers and Innisfil, Rogers will seek to bring the matter before the Board through intervention in Innisfil's 2010 IRM application.

Rogers appreciates Innisfil's cooperation in clarifying their intentions for further examination of any plan to meter USL connections. Rogers also appreciates the Board's attention and indulgence as its discussions with Innisfil took place.

Yours truly,  
**MACLEOD DIXON LLP**



Ian Mondrow

c. J.L. Armstrong, Rogers  
Laurie Ann Cooledge, Innisfil Hydro Distribution  
Daria Babaie, OEB Staff  
Intervenors of Record