

**Ontario Energy  
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**Commission de l'Énergie  
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**BY E-MAIL**

September 30, 2008

John De Vellis  
Shibley Righton LLP  
Barristers and Solicitors  
250 University Avenue, Suite 700  
Toronto, Ontario, M5H 3E5

Dear Mr. De Vellis:

**Re: Request for Intervenor Status and Cost Award Eligibility  
Niagara-on-the-Lake Hydro Inc.  
Application for Approval of 2009 Electricity Distribution Rates  
Board File No. EB-2008-0237**

On September 25, 2008, the Board received a letter from Niagara-on-the-Lake Hydro Inc. (NOTL) in which NOTL objected to the Board granting intervenor status to the School Energy Coalition (SEC). NOTL questioned whether SEC represents any local school boards within the Town of Niagara-on-the-Lake. NOTL also questioned the value added by SEC in this application and the cost of SEC's intervention.

The Board has considered NOTL's submission and confirms SEC as an intervenor in this proceeding. Furthermore, the Board has determined that SEC is eligible to apply for an award of costs under its Practice Direction on Cost Awards. The Practice Direction and related forms are available on the Board's Web site @ [www.oeb.gov.on.ca](http://www.oeb.gov.on.ca).

The Board recognizes that the costs of an intervention can be relatively significant for a smaller utility such as NOTL. The Board notes that the cost awards and therefore cost claims should recognize the financial ability of distributors to pay those costs. The Board will take these concerns into account when granting any cost award to SEC at the completion of this proceeding.

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Yours truly,

*Original signed by*

Kirsten Walli  
Board Secretary

cc: James Huntingdon, Niagara-on-the-Lake Hydro Inc.  
Bob Williams, Ontario Education Services Corporation  
Rachel Chen, Institutional Energy Analysis, Inc.