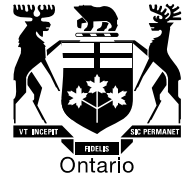


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BY E-MAIL

October 6, 2008

David S. MacIntosh
Case Manager
Energy Probe Research Foundation
225 Brunswick Ave
Toronto, Ontario
M5S 2M6

Dear Mr. MacIntosh:

**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 12, 2008, the Board received a letter from Energy Probe requesting intervenor status and cost award eligibility for the Niagara-on-the-Lake Hydro Inc. (NOTL) application for approval of 2009 electricity distribution rates.

The Board has considered Energy Probe's request and confirms Energy Probe as an intervenor in this proceeding. Furthermore, the Board has determined that Energy Probe 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 at 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 Energy Probe 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.
Randy Aiken, Aiken & Associates