

October 7, 2008

BY COURIER (2 COPIES) AND EMAIL

Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
P.O. Box 2319
2300 Yonge Street, Suite 2700
Toronto, Ontario M4P 1E4
Fax: (416) 440-7656
Email: boardsec@oeb.gov.on.ca

Dear Ms. Walli:

**Re: Pollution Probe – Request for Intervenor Status
EB-2008-0271 – Enbridge – Clearance of DSM Variance Accounts**

We are writing to request intervenor status on behalf of Pollution Probe for the above noted matter further to the Notice of Application and the Board's *Rules of Practice and Procedure*. We apologize for the slight lateness of this intervention as Pollution Probe's counsel has been working on an injunction appeal motion to be heard on an expedited basis before Divisional Court.

With respect to the intervention:

- I. Pollution Probe intends to appear and participate at the hearing or hearings. Further, Pollution Probe does not object to the Board holding a written hearing in this case.
- II. Pollution Probe is a public interest advocacy group with a large membership and donor base throughout Ontario. On behalf of its members, donors and the general public, Pollution Probe intends to support aggressive promotion of energy conservation and energy efficiency, including through DSM (and its variance accounts) as well as cost-effective fuel switching and system expansion. Pollution Probe may identify other interests based on its review of the materials.
- III. Pollution Probe requests two copies of the pre-filed evidence/materials, one to be delivered to Mr. Murray Klippenstein and myself as counsel for Pollution Probe at the law firm address above (e-mail addresses: murray.klippenstein@klippensteins.ca and basil.alexander@klippensteins.ca), and one to be delivered to its consultant, Mr. Jack Gibbons of Public Interest Economics. Electronic copies are sufficient, and we also request that both counsel (Mr. Klippenstein and Mr. Alexander) and Mr. Gibbons be listed on the intervenors' list under Pollution Probe, since this makes the later distribution of updates more effective. Mr. Gibbons is at:

Public Interest Economics
625 Church Street, Suite 402
Toronto ON M4Y 2G1
Telephone: (416) 926-1907 x240
Facsimilie: (416) 926-1601
E-mail: jgibbons@pollutionprobe.org

IV. The intervenor's full name and address is:

Pollution Probe Foundation
625 Church Street, Suite 402
Toronto ON M4Y 2G1
Telephone: (416) 926-1907
Facsimile: (416) 926-1601

- V. Please send correspondence and any other materials to both Jack Gibbons and to counsel as the authorized representatives.
- VI. Pollution Probe intends to seek an award of costs for the reasons discussed above.
- VII. Pollution Probe requests the Board's directions as to whether this Notice of Intervention should be served on any other parties.

Yours truly,



Basil Alexander

BA/ba

cc: Norm Ryckman, Director, Regulatory Proceedings, Enbridge Gas Distribution Inc.
by email to EGDRegulatory@enbridge.com
Dennis O'Leary, Aird & Berlis LLP by email to doleary@airdberlis.com