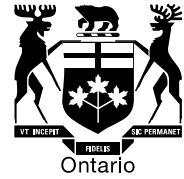


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**BY E-MAIL**

November 10, 2008

Mr. Vincent J. DeRose  
Borden Ladner Gervais LLP  
Barristers & Solicitors  
100 Queen Street  
Suite 11 00  
Ottawa ON K1P 1J9

Dear Mr. DeRose:

**Re: Request for Intervenor Status and Cost Award Eligibility  
Blewater Power Distribution Corporation  
Application for Approval of 2009 Electricity Distribution Rates  
Board File No.: EB-2008-0221**

On October 22, 2008, the Board issued Procedural Order No. 1 for the Blewater Power Distribution Corporation (Blewater) application for approval of 2009 electricity distribution rates.

On October 24, 2008, the Board received a letter from Canadian Manufacturers & Exporters (CME) requesting intervenor status and cost award eligibility in this proceeding. CME indicated, among other things, that CME is a not-for-profit organization funded by membership fees and revenues from the services it renders to federal and provincial governments and agencies to foster the development of national and international markets for its members and to break down trade barriers. It noted that about 85% of CME's 1,200 Ontario-based member companies are small to medium sized business enterprises.

In its letter dated October 24, CME acknowledged that the costs of an intervention can be relatively significant for a smaller distributor and for this reason CME will be selective in filing its requests for intervention in 2009 Electricity Distribution Applications. CME stated that it is requesting intervenor status in only the applications submitted by Blewater and ENWIN Utilities Ltd. In deciding to request intervenor status in these two applications, CME indicated that it took into consideration the level of its members' commercial interests within the distribution areas of these two distributors.

CME also noted that it has had discussions with the other intervenors, including VECC, CCC, SEC, Energy Probe, and AMPCO and will continue to work with these parties in order to coordinate its efforts to reduce the costs. Furthermore, CME noted its primary concern in this proceeding, among other reasons, is the level of the rate increases Bluewater seeks and the impact such rate increases will have on the energy costs of its members. CME indicated that it wishes to actively participate in this proceeding to assure that any rate changes which the Board approves are just and reasonable. Furthermore, CME stated that its ability to actively participate in this proceeding is dependent upon a determination that it is eligible for a cost award.

On October 29, 2008, the Board received a letter from Bluewater in which Bluewater objected to the late intervention request by CME and requested that the Board deny CME's request for intervenor status. Bluewater stated that "Bluewater is a mid-sized distributor and that intervenor status has already been granted to three separate intervenors: the SEC; VECC; and AMPCO". Bluewater questioned the value added by CME in this proceeding and indicated that "These three intervenors regularly participate in distribution rate applications, and together should thoroughly test Bluewater Power's evidence during the course of the proceeding. Further, it is reasonable to assume that these three intervenors represent interests that include all of Bluewater Power's customers. Therefore, in light of these circumstances, we question the value of granting intervenor status to a fourth party in a proceeding involving a mid-sized distributor". Bluewater also noted that "If the Board is contemplating granting the CME intervenor status, we request that the CME be required to disclose the identities of its members located in Bluewater Power's distribution service area. If the interests of those members are already represented, either directly or indirectly, by any of the registered intervenors (i.e. most likely AMPCO), then we submit that granting the CME intervenor status would result in duplicative representation."

On November 6, 2008, the Board received a response letter from CME, in which CME disagreed that VECC, SEC and AMPCO represent interests of all Bluewater's customers. CME stated that it reviewed AMPCO's membership list, as set out on the AMPCO website, and has identified only one overlapping member in Bluewater's service area. CME submitted that the interests of its broad based membership in the manufacturing sector are not represented by VECC, SEC or AMPCO and that this fact alone should be sufficient for the Board to grant CME intervenor status. CME noted again that it will continue to coordinate its efforts with SEC, VECC and AMPCO to avoid any unnecessary duplication.

On November 10, 2008, the Board received a response letter from Bluewater, in which Bluewater again questioned the value added by CME in this proceeding and indicated that VECC, SEC and AMPCO represent the interests of all of Bluewater Power's customers.

In this case and in a number of procedural orders that the Board has recently issued in other 2009 electricity distribution rate cases, the Board has expressed its concerns

regarding the costs of an intervention that can be relatively significant for a smaller distributor. The Board stated that it will take into account the quality and relevance of interventions. In addition, the Board noted that it would consider any duplication of effort by the intervenors in this proceeding.

The Board has considered all submissions from Bluewater and CME. It is clear that CME's members will be directly impacted by the outcome of the proceeding and that they have a unique perspective among the intervenors. The Board confirms CME as an intervenor in this proceeding and has determined that CME is eligible to apply for an award of costs under its Practice Direction on Cost Awards. The Board again reminds parties of the importance of avoiding duplication in their efforts and the resulting costs to ratepayers.

The Practice Direction and related forms are available on the Board's Web site at [www.oeb.gov.on.ca](http://www.oeb.gov.on.ca).

Yours truly,

*Original signed by*

Kirsten Walli  
Board Secretary

cc: Janice McMichael, Bluewater Power Distribution Corporation  
Andrew Taylor, Ogilvy Renault  
All other parties

## Appendix B

### Bluewater Power Distribution Corporation

EB-2008-0221

#### REVISED LIST OF INTERVENORS

November 10, 2008

	Organization	Rep. And Address for Service
1.	<b>Vulnerable Energy Consumers Coalition</b>	Mr. Michael Buonaguro Public Interest Advocacy Centre 34 King Street East, Suite 1102 Toronto, Ontario M5C 2X8  Tel: 416 767-1666 Fax: 416 348-0641 Email: <a href="mailto:mbuonaguro@piac.ca">mbuonaguro@piac.ca</a>
	<b>AND</b>	Mr. Bill Harper Econalysis Consulting Services 34 King Street East, Suite 1102 Toronto, Ontario M5C 2X8  Tel: (416) 348-0193 Fax: (416) 348-0641 Email: <a href="mailto:bharper@econalysis.ca">bharper@econalysis.ca</a>
2.	<b>School Energy Coalition</b>	Ontario Education Services Corporation c/o Ontario Public School Boards Association 439 University Avenue, 18th Floor Toronto, ON M5G 1Y8 Attn: Bob Williams, Co-ordinator Tel: (416) 340-2540 Fax: (416) 340-7571 Email: <a href="mailto:bwilliams@opsba.org">bwilliams@opsba.org</a>

	<b>AND</b>	Shibley Righton LLP Barristers and Solicitors 250 University Avenue, Suite 700 Toronto, Ontario, M5H 3E5 Attn: John De Vellis Tel: (416) 214-5232 Fax: (416) 214-5432 Email: <a href="mailto:john.devellis@shibleyrighton.com">john.devellis@shibleyrighton.com</a>
	<b>AND</b>	Institutional Energy Analysis, Inc. 250 University Avenue, Suite 700 Toronto, Ontario, M5H 3E5 Attn: Rachel Chen, Principal Consultant Tel: (416) 214-5218 Fax: (416) 214-5418 Email: <a href="mailto:rachel.chen@ieai.ca">rachel.chen@ieai.ca</a>
<b>3.</b>	<b>AMPCO</b>	Mr. Adam White President, AMPCO 372 Bay Street, Suite 1702 Toronto, ON M5H 2W9 Tel.: 416-260-0225 Fax: 416-260-0442 E-mail: <a href="mailto:awhite@ampco.org">awhite@ampco.org</a>
	<b>AND</b>	Ms. Christine Dade 1449 Connery Crescent Oshawa, ON L1J 8E8 Tel.: 905-723-9895 E-mail: <a href="mailto:dade9895@rogers.com">dade9895@rogers.com</a>
	<b>AND</b>	Ms. Shelley Grice c/o AMPCO 372 Bay Street, Suite 1702 Toronto, ON M5H 2W9 Tel.: 416-260-0280 ext. 104 Fax: 416-260-0442 E-mail: <a href="mailto:sgrice@ampco.org">sgrice@ampco.org</a>

<b>4.</b>	<b>CME</b>	Mr. Paul Clipsham Director of Policy Ontario Division Canadian Manufacturers & Exporters 6725 Airport Road Suite 200 Mississauga ON L4V 1 V2 Tel: (905) 672-3466 ext. 3236 Fax: (905) 672-1764 E-mail: <a href="mailto:paul.clipsham@cme-mec.ca">paul.clipsham@cme-mec.ca</a>
	<b>AND</b>	Mr. Peter C.P. Thompson, Q.C. Borden Ladner Gervais LLP Barrsters & Solicitors 100 Queen Street Suite 11 00 Ottawa ON KIP 1J9 Tel: (613) 787-3528 Fax: (613) 230-8842 E-mail: <a href="mailto:pthompson@blgcanada.com">pthompson@blgcanada.com</a>
	<b>AND</b>	Mr. Vincent J. DeRose Borden Ladner Gervais LLP Barrsters & Solicitors 100 Queen Street Suite 11 00 Ottawa ON KIP 1J9 Tel: (613) 787-3589 Fax: (613) 230-8842 E-mail: <a href="mailto:vderose@blgcanada.com">vderose@blgcanada.com</a>