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November 20, 2008

Delivered via E-mail

Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
2300 Yonge Street, 27th Floor
P.O. Box 2319
Toronto, Ontario
M4P 1E4

Dear Ms. Walli:

**Re: EB-2008-0335 PowerStream Inc. and Barrie Distribution Inc. -
Application for an Order from the Ontario Energy Board (the "Board")
granting leave to Amalgamate and related matters**

PowerStream Inc. and Barrie Hydro Distribution Inc. (the "Applicants") acknowledge receipt of the Notice of Intervention received November 19, 2008 from the Energy Probe Research Foundation ("Energy Probe").

Energy Probe acknowledges in its letter accompanying the Notice of Intervention that the Notice of Application and Hearing was issued by the Board on October 29, 1998. The Notice of Application and Hearing in this matter was published on November 1, 2008 making the deadline for interventions November 11, 2008. Consequently, Energy Probe is in fact applying for status as a late intervenor.

The Applicants oppose the late intervention on the basis that Energy Probe has had ample opportunity to intervene and has failed to serve a letter of intervention by the date required.

If the request for late intervention were heard by way of motion, Energy Probe would be required to explain why its late intervention would not prejudice the schedule of the proceeding as already established.


While the Applicants oppose the intervention request, in the event that the Board determines that it will grant Energy Probe intervenor status, it should be on the basis that Energy Probe accepts the record as it stands – including Procedural Order No. 1.



If the Board allows the late intervention, the Applicants seek confirmation that Procedural Order No. 1 will stand as issued.

Yours very truly,

BORDEN LADNER GERVAIS LLP


CHRISTINE E. LONG

CL/mc

cc: Kristi Sebalj, Board Counsel
Lenore Dougan, Board Staff
Paula Conboy, PowerStream Inc.
Stephen Perry, Barrie Hydro Distribution Inc.
George Vegh, Counsel for Barrie Hydro Distribution Inc.
David MacIntosh, Energy Probe Research Foundation
Randy Aiken, Aiken & Associates

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