

**Ontario Energy  
Board**

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

November 20, 2008

Mr. David S. MacIntosh  
Energy Probe Research Foundation  
225 Brunswick Street  
Toronto, ON M5S 2M6

Mr. Randy Aiken  
Aiken & Associates  
578 McNaughton Avenue West  
Chatham, ON N7L 4J6

Dear Messrs. MacIntosh and Aiken:

**Re: Request for Intervenor Status and Cost Award Eligibility  
PowerStream Inc. and Barrie Hydro Distribution Inc. – Leave to Amalgamate  
Board File No. EB-2008-0335**

On November 20, 2008, the Board received a letter from Energy Probe Research Foundation (EP) requesting intervenor status and cost award eligibility for the application by Power Stream Inc. (PowerStream) and Barrie Hydro Distribution Inc. (Barrie Hydro) seeking orders for leave to amalgamate, to amend the distribution licence of PowerStream and seeking the cancellation of Barrie Hydro's distribution licence. The Board notes that the deadline for applications for intervenor status for this application was November 11, 2009.

On November 20, 2008, the Board received a letter from PowerStream in which it objected to the Board granting intervenor status to EP. PowerStream noted that the request is late and that EP had ample opportunity to intervene by the date required. PowerStream states that in the event that the Board determines it will grant EP intervenor status, it should be on the basis that EP accepts the record as it stands, including Procedural Order No. 1.

The Board has considered PowerStream's submission and confirms EP as an intervenor in this proceeding. Furthermore, the Board has determined that EP is eligible to apply for an award of costs under its Practice Direction on Cost Awards. The Board notes, however, that given the fact that EP's intervention request was late, EP is required to accept the record of this proceeding as it stands and is also required to accept and comply with the process as determined by the Board and communicated in Procedural Order No. 1, issued November 19, 2008.

Yours truly,

*Original signed by*

Kirsten Walli  
Board Secretary

cc: Paula W. Conboy, PowerStream Inc. (by e-mail)  
Christine E. Long, Borden Ladner Gervais LLP (by e-mail)  
Stephen Perry, Barrie Hydro Distribution Inc. (by e-mail)  
George Vegh, McCarthy Tétrault LLP (by e-mail)