

November 25, 2008

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File 10606.00036

Kirsten Walli
Board Secretary
Ontario Energy Board
Suite 2701
2300 Yonge Street
Toronto ON M4P 1E4

Dear Ms Walli:

Re: EB-2007-0697/Horizon Utilities Corporation ("Horizon")

We are counsel to the Consumers Council of Canada ("CCC") in this matter. In that capacity we have received a copy of Mr. McKenzie's letter to you, on behalf of Horizon, of November 24, 2008. Because of one of the observations in it, it warrants a response from us.

Horizon, in commenting on the cost claim of the School Energy Coalition ("SEC"), observes that "Horizon Utilities does not know whether the other intervenors assigned this role [a leading role in the proceeding] to Schools or Schools simply took it upon itself". Before making any observation on that issue, Horizon could have asked the intervenors how they perceived the role of the SEC. Regrettably, they did not.

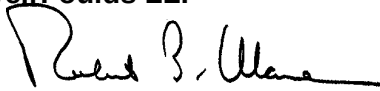
From the perspective of the CCC, the SEC did take a leading role in the proceeding, in two ways. First, it was the SEC that urged the Board to include both alternate dispute resolution ("ADR") and oral hearing components to the application process. As the Board will know, and as reflected in the Board's Decision, both the ADR and the oral hearing were essential to the fact-finding upon which the Decision was based. It is also the case that Horizon resisted, adamantly, SEC's effort to expand the application process.

Second, we agreed to have counsel for the SEC take the lead at the oral hearing.

It is not the CCC's practice to comment on the cost claims of other parties to a Board proceeding. In addition, the CCC cannot comment on the number of hours included in the SEC's cost claim. In the circumstances, however, we would be remiss if we did not respond to the one point made in Horizon's letter.

Yours very truly,

WeirFoulds LLP

A handwritten signature in black ink, appearing to read "Robert B. Warren", written over the printed name.

Robert B. Warren

RBW/dh

cc: Horizon Utilities Corporation, Attention: Cameron McKenzie
cc: Borden Ladner Gervais LLP, Attention: Jamie Sidlofsky
cc: David MacIntosh
cc: Jay Shepherd
cc: Michael Buonaguro
cc: Julie Girvan