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November 28, 2008

BY EMAIL & BY COURIER

Ms. Kirsten Walli  
Board Secretary  
Ontario Energy Board  
2300 Yonge St, Suite 2701  
Toronto ON M4P 1E4

Dear Ms. Walli:

**Board File No. EB-2008-0237**  
**Niagara-on-the-Lake Hydro Inc. – 2009 Rates Rebasing Application**  
**Submissions of Energy Probe**

Pursuant to Procedural Order No. 3, issued by the Board on November 20, 2008, the following are the Submissions of Energy Probe Research Foundation (Energy Probe) in the EB-2008-0237 proceeding. An electronic version of this communication will be forwarded in PDF format.

- a) whether further discovery is required, either in the form of further interrogatories or a technical conference:

Energy Probe is in favour of a further round of interrogatories intended to clarify the responses of the Applicant. It is the submission of Energy Probe that a technical conference is not required to achieve clarification.

- b) whether a settlement conference would be appropriate:

Energy Probe does not believe that a settlement conference would be required.

- c) whether a written or oral hearing is preferred:

Energy Probe is amenable to a written hearing.

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**Energy Probe Research Foundation** 225 BRUNSWICK AVE., TORONTO, ONTARIO M5S 2M6

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Should you require additional information, please do not hesitate to contact me.

All of which is respectfully submitted.

A handwritten signature in black ink, appearing to read 'David S. MacIntosh', with a long horizontal flourish extending to the right.

David S. MacIntosh  
Case Manager

cc: Jim Huntingdon, Niagara-on-the-Lake Hydro Inc. (By email)  
Randy Aiken, Aiken & Associates (By email)  
Intervenors of Record (By email)