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December 19, 2008

**Delivered and sent via e-mail**

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

Dear Ms. Walli:

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

The Applicants are in receipt of the Board's Order. The Applicants claim for relief (as amended at the hearing) was for the following orders "granting PowerStream Inc. and Barrie Hydro Distribution Inc. leave to amalgamate pursuant to section 86 of the Act on terms that approve the Applicants' proposals for Rate Harmonization and Timing for Rebasing."

In its Decision, the Board approved the Applicants' plans for rate harmonization and their proposal that the rate deferral period for the combined entity be five years from the date of closing. The Board's Report on Rate Making Associated with Distributor Consolidation directs applicants to specify their rebasing proposals as part of the MAAD application and sets out that this is to be disposed of by the Board panel assigned to hear the MAAD application (p.5).

It would therefore provide clarity if the panel's disposition of these issues be expressly stated in the Order. For these reasons, the Applicants respectfully request that the Board amend the Order to include the following statement:

"The Board Orders that the Applicants may apply for rate harmonization in 3-5 years from the date of closing of the merger and that the consolidated entity may defer rate rebasing with respect to the consolidated entity for five years from the date of closing of the merger."



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Yours truly,

BORDEN LADNER GERVAIS LLP

*Original signed by Christine E. Long*

CHRISTINE E. LONG

CL/mc

Encl.

cc: Kristi Sebalj, Ontario Energy Board (via e-mail)  
Anne-Marie Reilly, Hydro One Networks Inc. (via e-mail)  
Bob Williams, Ontario Education Services Corporation (via e-mail)  
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