

January 9, 2009

Ms. Kirsten Walli, Board Secretary
ONTARIO ENERGY BOARD
2300 Yonge Street, 27th Floor
Toronto ON M4P 1E4

Dear Ms. Walli:

Re: EB-2008-0233: Innisfil Hydro Distribution System Ltd. (Innisfil) 2009 Distribution Rates Application.

We are counsel to Rogers Cable Communications Inc. ("Rogers") in respect of the captioned proceeding. This letter is written as a request on behalf of Rogers for late intervention therein.

Description of the Intervenor.

Rogers is an integrated cable and communications company that receives electricity for its cable signal amplification power supplies from distributors throughout Ontario, including Innisfil. Rogers' power supplies are connected to local distribution systems, and are generally served on an unmetered basis (as "unmetered scattered load", or "USL").

Impact of the Application on the Intervenor.

While this proceeding was commenced by way of a Notice of Application dated September 9, 2008, it has only recently come to Rogers' attention that Innisfil's prefiled evidence and interrogatory responses more recently filed, raise issues of direct concern to Rogers.

Innisfil's prefiled evidence [Ex. 9-1-2, p. 1, lines 13 to 19] indicates a rate increase for USL customers in excess of 10%.

This evidence also states as follows: *It should be noted Innisfil Hydro proposes to meter all customers in the USL customer class. It is expected most customers will be metered during the implementation of smart meters which is scheduled to take place by December 31, 2010.* The issue of adding meters to previously unmetered load is further addressed in an interrogatory response to Board Staff (Response 9.3, part B).

Basis for request for late intervention.

Rogers appreciates that this proceeding is well along, with only the written argument phase to be concluded prior to closing of the record. Rogers is fully prepared to accept the record of this proceeding as it stands.

If granted late intervention, Rogers will; i) be included in the distribution of further materials in this proceeding, and will thus be alerted to further developments herein in a timely fashion; and ii) be entitled to file a final argument herein in respect of issues of direct impact on it, as addressed in the record as it currently stands.

Rogers is aware of the relative size of Innisfil, and the need for the Board to retain efficiency and cost effectiveness in respect of its electricity distribution rate setting processes. Rogers undertakes to respect these exigencies. It is not Rogers' intention to unnecessarily or materially expand the scope or time-lines of the instant proceeding. At the same time, however, Rogers' has a direct interest, as a ratepayer of Innisfil, that it feels, based on the record to date, it needs to consider and address.

Costs.

Rogers does not intend to seek costs in this proceeding.

Communications.

Rogers requests that all future communications and materials in this proceeding be directed to the following contacts on its behalf:

MACLEOD DIXON LLP

Toronto Dominion Centre
Canadian Pacific Tower
P.O. Box 128
Toronto ON M5K 1H1

Attention: Ian Mondrow

416 203 4435

ian.mondrow@macleoddixon.com

ROGERS CABLE COMMUNICATIONS INC.

234 Newkirk Road
Richmond Hill ON L4C 3S5

Attention: John Armstrong,, Manager, Municipal &
Utility Relations

905 780 7077

john.armstrong@rci.rogers.com

Conclusion.

Rogers appreciates the Board's consideration of this request for late intervention.

Yours truly,

MACLEOD DIXON LLP



Ian Mondrow

c. J.L. Armstrong, Rogers
Laurie Ann Cooledge, Innisfil Hydro Distribution

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