

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-2008-0226: Collus Power Corp. (Collus) 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 Collus. 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 10, 2008, it has only recently come to Rogers' attention that Collus' prefiled evidence and certain interrogatory responses more recently filed, or to be filed, raise issues of direct concern to Rogers.

Collus' prefiled evidence regarding customer number forecasts (at Ex. 3-2-2, p.1, lines 13 to 15) contains the following statement: *COLLUS Power Corp expects the number of customers in the USL classes to decrease within the next year, as metering units continue to be added where possible.* The issue of adding meters to previously unmetered load is further addressed in an interrogatory response to Board Staff (IR 6.3).

In addition, another Board Staff interrogatory (Question 30) asks about a proposed adjustment by Collus to the revenue to cost ratios for USL customers. Response to this question is pending.

Basis for request for late intervention.

Rogers appreciates that this proceeding is well along, and that subject to the provision of additional interrogatory responses, the second of two discrete discovery phases of the proceeding is shortly to be concluded. If granted late intervention, Rogers is fully prepared to accept the record of this proceeding as it stands, subject only to specific direction otherwise that it might seek from, and justify to, the Board. (We are not instructed to seek any such direction at this time.)

If granted late intervention, Rogers will; i) be included in the distribution of further materials in this proceeding, including pending interrogatory responses that address USL specific issues and Board direction regarding further procedural steps herein, and will thus be alerted to further developments herein in a timely fashion; ii) be able to participate in any further interlocutory process that the Board directs in this proceeding; and iii) be entitled to file a final argument herein in respect of issues of direct impact on it.

Rogers is aware of the relative size of Collus, 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 Collus, that it feels, based on the record to date, it needs to consider and, as appropriate, 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:

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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
Darius Vaiciunas, Collus Power Corp.

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