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January 9, 2009

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-2008-0222/3/4**  
**Canadian Niagara Power Inc. – Combined 2009 Rates Rebasing Proceeding**  
**Submissions of Energy Probe**

Pursuant to Procedural Order No. 3, issued by the Board on December 22, 2008, the following are the Submissions of Energy Probe Research Foundation (Energy Probe) in the EB-2008-0222/3/4 combined 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 submits that, while some parts of the responses to its interrogatories could be improved, the quality of the responses was generally satisfactory. Energy Probe notes that the same is not true for the responses to all intervenors. Further discovery does appear to be required and Energy Probe would prefer it to be in the form of a transcribed technical conference.

Should the Board make provision for a technical conference, Energy Probe may seek clarification on some responses provided by the Applicant.

- b) whether a settlement conference would be appropriate:

Energy Probe submits that the benefits that might be derived through a settlement conference would offset the expenses generated. There are financial issues that lend themselves to face-to-face discussions between the parties.

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c) whether a written or oral hearing is preferred:

While Energy Probe is amenable to a written hearing for most issues in this proceeding, it submits that the Board should issue its decision on an oral hearing following the settlement conference.

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: Douglas Bradbury, Canadian Niagara Power Inc. (By email)  
R. Scott Hawkes, Canadian Niagara Power Inc. (By email)  
Charles Keizer, Ogilvy Renault LLP (By email)  
Peter T. Faye, Counsel to Energy Probe (By email)  
Intervenors of Record (By email)