

Ontario Energy Board
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Commission de l'énergie de l'Ontario
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BY E-MAIL ONLY

November 6, 2008

Mr. Adam White
President
Association of Major Power Consumers in Ontario
372 Bay Street, Suite 1702
Toronto, ON M5H 2W9

Dear Mr. White:

Re: Association of Major Power Consumers in Ontario Interrogatories for Canadian Niagara Power Inc. Applications for 2009 Electricity Distribution Rates – Board File Nos. EB-2008-0222, EB-2008-0223 and EB-2008-0224

On October 31, 2008, the Board received and has subsequently reviewed the set of five interrogatories from the Association of Major Power Consumers in Ontario (AMPCO) related to the three referenced applications from Canadian Niagara Power Inc. (CNPI).

In a number of procedural orders that the Board has recently issued in this case and in other 2009 electricity distribution rate cases, the Board has expressed its concerns regarding the costs of an intervention that can be relatively significant. The Board stated that it would take into account the quality and relevance of interventions. In addition, the Board noted that it would consider any duplication of effort by intervenors in this proceeding.

The Board recognizes that AMPCO has participated in a number of the Board's working groups including distribution cost allocation, third generation incentive rate-making, distribution rate design, and distribution cost benchmarking. However, these distributor specific applications are not the appropriate place for a broad policy analysis, data gathering, and benchmarking exercise related to cost allocation and rate design. Interrogatories for this purpose are not relevant. The present matter before the Board is an application under section 78 of the *Ontario Energy Board Act, 1998*, seeking approval for changes to the rates that CNPI charges for electricity distribution in its three service areas.

The Board has determined that AMPCO's Interrogatory #4 is not relevant. CNPI is not required to respond to AMPCO's Interrogatory #4.

Yours truly,

Original Signed By

Kirsten Walli
Board Secretary

c: Mr. Douglas Bradbury, Canadian Niagara Power Inc.
All other parties