

January 15, 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.

Further to our letter of January 9th requesting late intervention on behalf of Rogers Cable Communications Inc. ("Rogers"), we have received and reviewed Collus' response to Rogers' request. This letter constitutes Rogers' reply to Collus' response.

Rogers' request for intervention at this late stage in the proceeding was based on concerns regarding statements by Collus in evidence that Collus "expects the number of customers in the USL classes to decrease within the next year, as metering units continue to be added where possible" [emphasis added]. Nothing in Collus' response has alleviated Rogers' concerns.

The legitimacy of these concerns, whether they should be considered by the Board, and to what end, are all matters for argument in the proceeding. The issue at hand is the appropriateness of Rogers' request to be added as an intervenor herein.

Collus makes the point in its response that metering USL customers is not new. Whether this is new or not is irrelevant. It remains a concern to Rogers as a Collus customer, in particular in light of the prefiled evidence which indicates that this practice may expand to existing USL connections (thereby reducing the USL customer class complement "where possible").

Rogers takes no quarrel with the summary in Collus' response of the procedural history of this matter. To the extent that this summary is intended by Collus to demonstrate that this proceeding is well along and that Rogers has not intervened earlier, Rogers' acknowledged that up front, at the 3rd paragraph of its late intervention request. It was for this reason that Rogers provided assurance to the Board and the parties of its preparedness to accept the record as it currently stands, subject only to specific direction otherwise, which we are not currently instructed to seek.

We note Collus' expression of concern regarding *"the potential impacts on staff from all parties [sic] related to the addition of a new intervenor this late in the process, and on the ability of the Board to continue the goal issuing [sic] a [sic] approval of the application by May 1, 2009"*. Collus does not elaborate on what these feared "potential impacts" would be, or how they would arise if Rogers' request were granted. We have already indicated that Rogers does not intend to unnecessarily or materially expand the scope or time-lines of this proceeding.

Collus also makes the point that it is within the Board's jurisdiction to determine the appropriateness of bill impacts resulting from implementation of the results of Collus' cost allocation study. Rogers takes no quarrel with this assertion. The assertion merely highlights the issue of "appropriateness", which has yet to be determined in this instance.

Finally, Collus requests that if intervenor status is granted to Rogers, Rogers should not be allowed to introduce new evidence to the undue disadvantage of the parties. Rogers' is fully aware that to introduce evidence or any additional process herein would entail overcoming a high burden to demonstrate both the necessity and fairness of such a request. As advised in our January 9th letter, we currently have no instructions to seek to do so. In any event, the impact, appropriateness and fairness of such a request would be an issue appropriately determined at the time of, and based on the precise nature of, such a request, which is not before the Board at this time. That is a matter separate from the instant request to be added as an intervenor in this proceeding, the reasons for which request are set out in our January 9th letter.

Rogers' continues in its request for late intervenor status herein, on the basis of the undertakings set out in our earlier letter.

Yours truly,
MACLEOD DIXON LLP



Ian Mondrow

c. J.L. Armstrong, Rogers
Darius Vaiciunas, Collus Power Corp.
All Intervenors - EB-2008-0226