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December 6, 2007

VIA EMAIL

Northwest Territories Public Utilities Board
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Dear Sirs:

**Re: Northwest Territories Power Corporation v. Public Utilities Board of the Northwest Territories
NWT Supreme Court Action No. SICV2007000219**

On November 28, 2007 the Board issued a letter decision regarding NTPC's Application for Review and Variance of Decision 13-2007, dated November 5, 2007. Specifically, the Board had previously requested comments from interested parties on (i) whether NTPC met the threshold test for the Board to review Directive Nos. 15 and 45 of Decision 13-2007 and (ii) if so, whether Directive No. 14 should be included in such review. The Board held, among other things, that:

- it would review Directive No. 15, but only pursuant to NTPC's Ground No. 1 (not Ground No. 3);

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- it would not review Directive No. 45 pursuant to NTPC's Ground Nos. 2 or 3; and
- it would add Directive No. 14 to its review.

Pursuant to the Order of Justice D.P. Kennedy entered on November 19, 2007 the "...hearing of the leave to appeal application is adjourned *sine die*, subject to being heard in Chambers on due notice and pending final resolution of NTPC's application to the Northwest Territories Public Utilities Board to Review and Vary Decision 13-2007 dated November 5, 2007."

Given the Board's November 28th letter decision and Justice Kennedy's Order, it would now be possible to proceed with the leave to appeal application respecting Directive No. 15 pursuant to Ground No. 3 and Directive No. 45 pursuant to Ground Nos. 2 and 3.

We are writing to propose, however, that NTPC's leave to appeal application not be rescheduled until the Board has also issued its final decision in respect of Directive Nos. 14 and 15. This proposal avoids duplicative proceedings and potential inconsistent decisions regarding Directive No. 15. It also allows all leave to appeal matters to be addressed at the same time and with a single hearing record. **Please advise if you agree or object to this proposal.** Should anyone object, we will follow up by requesting parties to provide available dates to hear NTPC's leave to appeal application respecting Directive No. 15 pursuant to Ground No. 3 and Directive No. 45 pursuant to Ground Nos. 2 and 3.

Also, in the event that the Board's R&V decision on Directive Nos. 14 and 15 is not issued prior to the expiry of the limitation period for seeking leave to appeal of the Board's November 28th letter decision (January 14, 2008), we may be required to file a second leave to appeal application and consolidate the actions.

Should you have any questions or require further information, please contact the writer directly.

Yours truly,

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PUB (Louise Ann Larocque)
NTPC (Judith Goucher and Leon Courneya)

SCL/sk