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August 28, 2009

BY EMAIL AND BY COURIER

Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
P.O. Box 2319
2300 Yonge Street
27th Floor
Toronto, ON M4P 1E4

Dear Ms. Walli:

**Re: EB-2009-0308 – Compliance Order Proceeding against Toronto Hydro –
Participation of Smart Sub-metering Working Group**

We are counsel to members of the Smart Sub-metering Work Group (“SSMWG”) which consists of the following entities: Carma Industries Inc., Enbridge Electric Connections Inc., Hydro Connection Inc., Intellimeter Canada Inc., Provident Energy Management Inc., Stratacon Inc., and Wyse Meter Solutions. Each of the members of the SSMWG is licensed by the Ontario Energy Board (“OEB”, or the “Board”) as a smart sub-metering service provider (“SSM Provider”).

This letter is in response to the Notice of Intention to Make an Order for Compliance against Toronto Hydro-Electric System Limited (“THESL”) under section 112.3 of the Ontario Energy Board Act, 1998, issued on August 4, 2009 under the above-noted docket number (the “Notice”). This letter is also further to THESL’s Request for a hearing dated August 17th and the Board’s Notice of Hearing and Procedural Order No. 1 dated August 21.

Members of the SSMWG have been directly impacted by the conduct of THESL that is at issue in this proceeding. As SSM Providers contract with condominium developers and condominium boards in the City of Toronto, members of the SSMWG have encountered the same types of practices and behaviour by THESL as detailed in the Notice. It follows that the members of the SSMWG will likely be directly affected by any Board Order (or lack thereof) arising from this proceeding which could include an order(s) directing THESL to amend its Conditions of Service, remedy contraventions of “enforceable provisions” that have occurred and/or prevent any future contraventions of “enforceable provisions”.

In these circumstances, the SSMWG wishes to participate in this proceeding. Representatives of the SSMWG and its counsel will attend the hearing on September 24th and 25th. The SSMWG would be pleased to respond to any questions that might arise at that time. Additionally, the SSMWG respectfully requests that it be granted the opportunity to make submissions about the appropriate outcomes to this proceeding,

given the fact that members of the SSMWG have been adversely impacted by the conduct that is the subject of this proceeding.

The SSMWG does not intend for its participation to complicate or add time to the proceeding. To that end, the SSMWG does not intend to lead evidence or participate in the cross-examination of witnesses. The SSMWG simply seeks an opportunity to provide its perspective about what outcomes and remedies are appropriate under the circumstances. This is consistent with the Board's Notice, which indicates that the OEB may issue an Order that will aim to remedy THESL's past contraventions and prevent future contraventions.

We trust the above is satisfactory. Should the Board require the SSMWG to formally apply for intervenor status, please advise.

Yours very truly,

AIRD & BERLIS LLP

Original Signed,

Dennis M. O'Leary

cc. George Vegh, Counsel to THESL

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