



CASSELS BROCK  
LAWYERS

October 15, 2009

BY E-MAIL AND BY COURIER

Ms. Kirsten Walli  
Board Secretary  
Ontario Energy Board  
2300 Yonge Street, Suite 2701  
Toronto ON M4P 1E4

Ian Blue, Q.C.

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file: 37929-1

Dear Ms. Walli:

**Re: Board File No. EB-2009-0180/ EB-2009-0181 / EB-2009-0182 and EB-2009-0183**  
**Re: Applications by Toronto Hydro Energy Services Inc., Toronto Hydro-Electric System Limited and 1798594 Ontario Inc.**

Further to my letter of September 30<sup>th</sup>, the City of Toronto will not be calling any evidence. The City also withdraws its request for a follow-up round of interrogatories. If there is an oral hearing, the City to pursue its inquiries there.

Yours truly,

IAN BLUE

IAB/sh

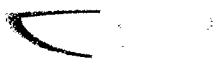
cc: Board Staff and Intervenors of record (by e-mail)



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September 30, 2009

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Dear Ms. Walli:

**Re: Board File No. EB-2009-0180/ EB-2009-0181 / EB-2009-0182 and EB-2009-0183**

**Re: Applications by Toronto Hydro Energy Services Inc., Toronto Hydro-Electric System Limited and 1798594 Ontario Inc.  
Interrogatories of City of Toronto**

I refer to the Board's Procedural Order No. 1 dated August 26, 2009. Paragraph 4, requires intervenors or Board staff who wish to submit evidence regarding the application to file that evidence with the Board and deliver it to the applicants and all intervenors on or before October 5, 2009.

On September 11<sup>th</sup> the City of Toronto submitted six interrogatories to Toronto Hydro. Toronto Hydro has not yet provided responses to the City's interrogatories 2 and 4. In addition, in the response to the City's interrogatory 5, Toronto Hydro referred the City to its proposed cost recovery of costs relating to Contact Voltage documented in EB-2009-0243. Review of the documents in EB-2009-0243 does not disclose those proposals or any cost numbers relating thereto.

Without answers to all of the interrogatories and an opportunity to submit reasonable follow-up questions about the information provided, the City will be unable to decide whether or not it wants to file evidence on or before October 5, 2009. The City requests, under paragraph 7 of the OEB Rules of Practice and Procedure, that the Board extend the time for filing written evidence by the City until two days following the delivery by Toronto Hydro of complete responses to the City's interrogatories.

The City also requests that the Board grant leave to the City to ask reasonable follow up questions about the responses to the interrogatories provided to the City by Toronto

Hydro and state that Toronto Hydro's responses will not be deemed complete until it has provided good faith responses to the City's interrogatories and follow up questions.

Yours truly,



IAN BLUE

IAB/sh

Enclosures

cc: Board Staff and Intervenors of record (by e-mail)

Legal\*4502274.1