

FROM THE OFFICE OF David Crocker
DIRECT LINE 416.941.5415
DIRECT FAX 416.777.7431
E-MAIL dcrocker@davis.ca

FILE NUMBER 75024-00011

January 27, 2011

DELIVERED BY E-MAIL

Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
Suite 2700, 2300 Yonge Street
P.O. Box 2319
Toronto, ON M4P 1E4

Dear Ms. Walli:

Re: EB-2010-0142

We have for comment the letter from Toronto-Hydro Electric Systems Ltd. to you of January 26, 2011.

We, of course, agree with their position that this matter cannot and should not continue until they file an update of their application. We do not, however, agree with their subsequent scheduling proposal. Until we review the updated application, we cannot determine what our appropriate next steps should be. Interrogatories might be appropriate; a Technical Conference may not be necessary, nor may a further ADR session. In any event, we will not know that until we see their new material.

We propose, therefore, that it is more appropriate for the Board to wait until the new material can be reviewed by Board staff and Intervenors before a new schedule is struck.

We believe this position is shared by most other Intervenors and that you will hear from them to that effect.

Should you have any questions, please do not hesitate to contact me.

Yours truly,

DAVIS-LLP

Per:

David Crocker
DDC/szp

cc: Intervenors - (via email)

cc: Shelley Grice, Wayne Clark, Adam White - AMPCO (via email)

Davis:8268535.1