

# AIRD & BERLIS LLP

Barristers and Solicitors

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October 12, 2011

## **DELIVERED and RESS**

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

Dear Ms. Walli:

**Re: Toronto Hydro-Electric System Limited ("THESL")  
2011 Cost of Service Application, PHASE II  
Board File No. EB-2010-0142**

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We enclose two paper copies of the Preliminary Interrogatories of the Smart Sub-metering Working Group ("SSMWG") in the above-noted proceeding. It is expected that if and when THESL produces its current Cost Allocation Model (Exhibit L1, Tab 5, Schedule 2, filed September 30, 2011) ("CA Model") in a live Excel format and fully complies with the Board's Partial Decision & Order dated July 7, 2011, and Procedural Orders No. 10 and 11, that the SSMWG will have additional questions.

As noted in the SSMWG's Notice of Motion dated October 7, 2011, it is not in a position to ask full and appropriate questions at this time given the failure of THESL to file its current CA Model in a live Excel format and the inadequacy of its filing in other respects. The SSMWG therefore reserves the right to ask additional questions upon receipt of the information.

In addition, the Interrogatories asked are without prejudice to the SSMWG taking the position that aspects of THESL's proposals are inconsistent with the Partial Decision and Procedural Orders.

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An electronic version of same will be filed today through the Board's Regulatory Electronic Submission System.

Yours truly,

AIRD & BERLIS LLP



Dennis M. O'Leary

DMO/ct

Enclosures

cc The Applicant  
cc J. Mark Rodger, Borden Ladner Gervais LP  
cc Intervenors

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