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August 28, 2009

Dennis O'Leary
Aird & Berlis
Brookfield Place
181 Bay Street, Suite 1800
Box 754
Toronto, ON
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Dear Mr. O'Leary:

Re: Smart Metering and Smart Sub-Metering in New Condominiums
Board File No: EB 2009-0308

I confirm receipt of a copy of your letter of today's date to the OEB Board Secretary in the above noted matter. In that letter, you advise that your clients, the Smart Sub-Metering Work Group ("SSMWG") "will likely be directly affected by any Board Order (or lack thereof) arising from this proceeding" and as a result, wish to participate in the proceeding to address what those affects may be.

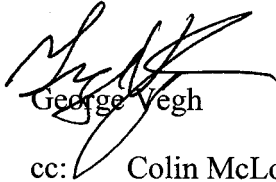
My client will provide you with its position on your proposed intervention shortly.

In the meantime, in order to clarify the impact of any outcome of this proceeding on your clients, and in order for THESL to defend itself in these proceedings, THESL requires the production of materials from the members of the SSMWG. Specifically, by this letter, THESL is requesting that each member of the SSMWG provide THESL with copies of all proposals made to, and all contracts made with, condominium developers with respect to the installation and operation of sub-meters for condominiums in the City of Toronto.

Given the short time frame that the Board has instituted for this proceeding, and given that you state in your letter that the SSMWG does not intend to add time to the proceeding, please provide these materials by August 31, 2009.

Thank you for your consideration of this matter and I look forward to hearing from you.

Sincerely,



George Vegh

cc: Colin McLorg (THESL)
Maureen Helt (OEB Prosecution Counsel)
OEB Board Secretary