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BY EMAIL

September 28, 2009
File No.: 100519.1011

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

Dear Ms. Walli:

**Re: Notice of Intention to Make and Order for Compliance under
Section 112.3 of the OEB Act, 1998
Board File No: EB 2009-0308**

I acknowledge receipt of Mr. Vegh's letter dated September 28, 2009.

Mr. Vegh is correct in the penultimate paragraph of his letter wherein he notes that I mis-stated that it was as the result of THESL's letters to Metrogate and Avonshire, that Board Staff commenced its investigation. As evidenced by the letters between Board Staff and THESL (appended to Mr. Duffy's affidavit), this investigation started well before the date of these letters. I apologize for this inadvertent mis-statement.

Yours truly,



Glenn Zacher

TORONTO

MONTREAL

/sc

OTTAWA

cc: George Vegh, *Counsel to THESL*
Dennis O'Leary, *Counsel for SSMWG*

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