

# AIRD & BERLIS LLP

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October 26, 2009

## By Courier and E-mail

Ms. Kirsten Walli  
Board Secretary  
Ontario Energy Board  
2300 Yonge Street - 27<sup>th</sup> Floor  
Toronto, ON M4P 1E4

Dear Ms. Walli:

**Re: Board No. EB-2009-0139, Toronto Hydro 2010 Rates  
Intervention by Smart Sub-Metering Working Group ("SSMWG")  
Comments on Draft Issues List**

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We are counsel to the SSMWG.

The SSMWG is satisfied that issues relating to Toronto Hydro's proposed suite metering program, including applicable forecasts, costs, rate implications, cost allocations and program particulars, fall within the Draft Issues List which was attached to Procedural Order No. 1 dated October 19, 2009.

The SSMWG will first need to receive Toronto Hydro's responses to interrogatories before it will be able to advise whether it will be adducing evidence and whether suite metering issues can best be dealt with orally or in writing.

Yours truly,

AIRD & BERLIS LLP



Dennis M. O'Leary

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