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BY EMAIL AND COURIER

November 11, 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**

We acknowledge receipt of Mr. Vegh's letter from earlier today requesting an adjournment of THESL's motion scheduled for November 16, 2009.

It is our view that THESL may withdraw its motion, in which case the matter of scheduling of a hearing date and other procedural issues should be addressed. We would, if the Panel considers appropriate, be pleased to address procedure and scheduling on Monday or in writing or at a later date.

Alternatively, if it is THESL's position that there has been a material change in circumstances between Friday, November 6 when it filed its motion and today which it says warrants an adjournment, then THESL should bring a motion for an adjournment as required under Rule 26 and should set out the material facts and evidence upon which it relies in support of its adjournment request.

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We have prepared responding materials to THESL's production motion which can be filed in accordance with the Board's recent procedural order. We will, however, wait for further direction from the Panel before filing materials.

Yours truly,

A handwritten signature in dark ink, appearing to read "D. Zacher".

Glenn Zacher

/sc

cc: George Vegh, *Counsel to THESL*
Maureen Helt, *OEB*
Patrick Duffy
Dennis O'Leary, *Counsel to SSMWG*
Guru Kalyanrama, *Counsel to EDA*