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November 12, 2009

BY COURIER

Ontario Energy Board
2300 Yonge Street
P.O. Box 2319
Suite 2700
Toronto ON M4P 1E4

Attention: Ms Kirsten Walli
Board Secretary

Dear Ms. Walli:

Re: Suite Metering
Board File EB-2009-0308

I confirm receipt of Mr. Zacher's letter of November 11, 2009 in response to THESL's request to adjourn its motion. The usual practice of counsel at the OEB, and the OEB, is to allow requests for short extensions of time provided that there is no prejudice. I cannot tell whether, in this case, Compliance Counsel is consenting or not. His November 11 letter proposes that THESL should proceed under Rule 26 of the Board's Rules of Practice. That Rule addresses the adjournment of a hearing. In seeking to adjourn its motion for a short period, THESL is not requesting that the hearing be adjourned, so Rule 26 is not applicable.

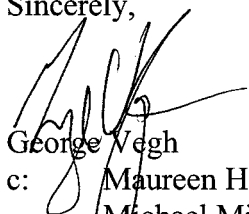
Compliance counsel proposes that the portion of THESL's motion requesting the Board to set a date for filing evidence be heard. However, because THESL is not requesting an adjournment of the hearing at this time, the Board's ability to set dates for pre-filed evidence is not impacted by THESL's request to adjourn its motion. The Board always has the authority to direct a schedule with which the parties must comply. The Board's practice in this regard does not typically involve a motion. Further, THESL's Notice of Motion did not request a specific date for filing evidence and has no submissions on when this date should be. As a result, the Board's ability to set a schedule for the proceeding is not impacted by the requested adjournment of THESL's motion. In other words, as the Board is aware, it can, and usually does, set dates for filing evidence, etc. without a motion.

THESL therefore confirms that it is requesting a short adjournment of its motion, not the proceeding, and observes that, pending this adjournment, all parties are within the Board's hands with respect to whether a date should be set for filing evidence and what that date should be.

As indicated in my letter of the 11th, THESL appreciates and shares the Board's desire to move forward in an expeditious manner I expect to be able to provide further clarification on THESL's proposed next steps as soon as possible.

All of which is respectfully submitted.

Sincerely,



George Vagh

c: Maureen Helt – Ontario Energy Board
Michael Millar – Ontario Energy Board
Dennis O'Leary – Aird & Berlis
Guru Kalyanraman – Electricity Distributors Association
Glen Zacher – Stikeman Elliott
Colin McLorg – Toronto Hydro Electric-System Limited

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