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**Commission de l'énergie
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BY E-MAIL

November 12, 2009

To: All Parties

**RE: EB-2009-0308 Notice of Intention to Make an Order for Compliance against
Toronto Hydro-Electric System Limited**

In Procedural Order No. 3, the Board set Monday, November 16, 2009, as the date upon which a motion (the "Motion") brought by Toronto Hydro Electric System Limited ("THESL") would be heard. On November 11, 2009, counsel for THESL wrote to the Board and asked for an adjournment of the Motion hearing date. The letter indicated that: "THESL has been carrying out further factual investigations into the allegations underlying these proceedings and has concluded that it would be inappropriate to bring this Motion at this time". The letter asked that the Motion be adjourned "until further notice".

Also on November 11, the Board received a response to THESL's request from Compliance counsel. Compliance counsel stated that the motion should either be withdrawn, or that THESL should bring a motion for adjournment under Rule 26 of the Board's Rules of Practice and Procedure. The letter further indicated that THESL was prepared to file its responding materials to the Motion by the November 12 deadline established in Procedural Order No. 3, but would await further direction from the Board before doing so. On November 12, 2009, THESL filed a letter responding to Compliance counsel's November 11 letter.

The Board is not prepared to grant an indefinite adjournment based on the information presented in THESL's November 11 letter. The Notice of intention to make an order for compliance which initiated this proceeding was issued on August 4, 2009. Like the parties, the Board is anxious to keep this proceeding moving. THESL is directed to file

with the Board today either: (a) confirmation that it is withdrawing its Motion, (b) additional materials supporting the need for an adjournment, or (c) confirmation that it is prepared to have the Motion (or a part of the Motion) heard as filed on November 16, 2009.

Compliance counsel will not be required to file its Motion materials unless THESL confirms that it is prepared to proceed with the hearing of the motion on November 16.

In the event that the motion does not proceed, the Board would like to receive written submissions from the parties regarding procedural issues and hearing date. The Board will issue further instructions in this regard shortly.

Yours truly,

Original signed by

Kirsten Walli
Board Secretary