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November 18, 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**

The Board's letter of November 16, 2009 asked the Compliance Team and Toronto Hydro-Electric System ("THESL") to file their proposals for procedural steps (i.e. filing of evidence etc.) to bring this process to an oral hearing by Wednesday, November 18, 2009.

THESL welcomes the Board's initiative. Since this proceeding has commenced, THESL has proposed procedural steps to bring this process to an oral hearing. THESL first requested compliance counsel to provide disclosure of materials and agree to a protocol for conducting the proceeding on August 21, 2009.

After receiving no response to this request or to subsequent requests for a meeting to discuss the process, on August 28, 2009, THESL requested compliance counsel to agree to a schedule for this proceeding that would allow for a hearing on this matter by September 24, 2009. That request went unanswered.

On September 4, 2009, THESL filed a motion with the Board seeking disclosure of materials, a protocol for proceeding and a schedule for the proceeding. Shortly after that, the Compliance Team retained new counsel. THESL's motion was heard on September 25, 2009. By that time, the opportunity for a hearing by September 24 was no longer available.

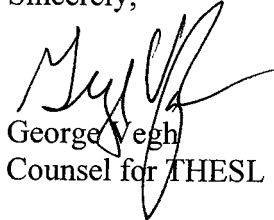
THESL received disclosure of Compliance Team material on October 26, 2009.

Throughout this proceeding, THESL has requested the Compliance Team to commit to a time for filing pre-filed evidence and responses to interrogatories in accordance with Rules 18, 28 and 29 of the OEB's Rules of Practice and Procedure (including through a notice of motion that was eventually withdrawn). Despite these requests, the Compliance Team has not provided any commitment as to when it will be filing such evidence. Nor has the Compliance Team provided any reason why it should be exempted from the requirement to provide pre-filed evidence and respond to written interrogatories.

THESL therefore requests that the Board follow its standard process and its Rules of Practice and Procedure and direct a schedule for filing pre-filed evidence and responding to written interrogatories. If the Compliance Team is seeking an exemption from these requirements, then THESL respectfully requests that it be given the opportunity to make submissions in response to this request.

All of which is respectfully submitted.

Sincerely,



George Vegh
Counsel for THESL

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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