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December 14, 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: Pre-Filed Evidence and Request for Confidentiality
Toronto Hydro-Electric System Limited ("THESL")
Board File: EB-2009-0308**

Please find enclosed THESL's Pre-Filed evidence in the above noted matter.

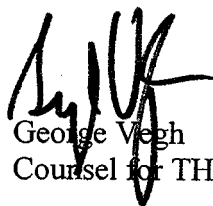
The evidence consists of three books of materials. Book 1, which includes THESL's witness statements, has two versions: a confidential version and a public version that has redacted certain documents.

The difference between the two versions is that, in the public version of Book 1, the names of specific contractual counterparties (a sub-meterer and a condominium developer) are redacted from the documents included at tabs 23-27 of the book of materials. The confidential version of Book 1 includes the complete documents. The other books, Housing Data Parts 1 and 2, are not impacted by the claim for confidentiality.

The documents are included with reference to issue of the reasonableness of THESL's understanding that condominium developers and smart sub-meterers are acting in a manner that is inconsistent with the OEB's exemption from licencing and rate regulation for certain distributors. These documents relate to one sub-meterer. THESL's evidence addresses the practice of the sub-meterer for the purpose of explaining certain aspects of its position and

THESL does not believe it is necessary for that purpose that the identity of the sub-meterer is made public.

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
 Lawrence Wilde – Toronto Hydro Electric System Limited
 Pankaj Sardana – Toronto Hydro Electric System Limited
 Chris Tyrrell – Toronto Hydro Electric System.

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