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*via RESS and courier*

Ms. Kirsten Walli  
Board Secretary  
Ontario Energy Board  
PO Box 2319  
2300 Yonge Street  
Toronto, ON M4P 1E4

Dear Ms. Walli:

**RE: Board Decision, EB-2009-0243 (Contact Voltage)**

Toronto Hydro-Electric System Limited (THESL) has received the corrected version of the Board's Decision in the above-noted proceeding.

THESL understands the Board's intention in stating, at page 9, that

The Panel therefore finds that it would be reasonable in the circumstances for any relief provided in this Decision to be conditional on THESL's actual spending in controllable OM&A expenditures for the 2009 year (ending December 31, 2009). In the event that THESL's actual controllable OM&A expenditures are below the level reflected in THESL's 2009 approved base rates, the amount of the relief eligible for recovery found below shall be reduced by the amount of the underspending. (emphasis added)

However, THESL observes that the evidence relied on by the Board to arrive at a numerical value for the approved 2009 OM&A expenditures was preliminary evidence filed by THESL in its 2010 rate application. A difference exists as a matter of presentation between that evidence and the directly approved revenue requirement for 2009, and in any case THESL believes that the Board's intention is better implemented by direct reference to the 2009 approved amounts rather than a subsequent rendition.

The same concept quantified by direct reference to the 2009 approved amounts yields a 2009 approved OM&A amount of \$195.2 million as compared to the \$195.6 million set out in the (corrected) decision. This difference in thresholds of \$0.4 million is meaningful to THESL relative to the total conditional relief awarded in the Decision of \$9.44 million.

Nevertheless, while THESL wished to bring this matter to the attention of the Board and intervenors, THESL does not request any further revision to the Decision at this time. The Decision clearly sets out the concept intended by the Board, and THESL does not dispute the concept. An application to dispose of the final amount in the 1572 sub-account has been directed by the Board, and at that time THESL will file evidence as to both the audited actual 2009 OM&A and the corresponding 2009 approved revenue requirement amount. Furthermore the issue may be made moot depending on THESL's actual 2009 OM&A.

At this time therefore, THESL simply advises the Board and intervenors that it will file evidence as to the correct level of the 2009 OM&A threshold at the time it applies to clear the balance in that deferral account.

Yours truly,

*[Original signed by]*

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cc: Intervenor of Record