

AIRD & BERLIS LLP

Barristers and Solicitors

Steven A. Zakem
Direct: 416.865.3440
E-mail: szakem@airdberlis.com

February 24, 2010

Our File No. 97274

BY EMAIL

Kirsten Walli
Board Secretary
Ontario Energy Board
2300 Yonge Street, 27th Floor
Toronto ON M4P 1E4

Dear Ms. Walli:

**Re: Hydro One Network's Section 92- Toronto Midtown Transmission
Reinforcement Project - EB-2009-0425
Loblaw Properties Ltd.**

We represent Loblaw Properties Ltd. ("Loblaw's"), the owner of lands known municipally as 11 Redway Drive in the City of Toronto (the "Subject Lands").

We have received notice that Hydro One Network Inc. ("Hydro One") has filed an application with the Ontario Energy Board under Section 92 of the *Ontario Energy Act, 1998*, S.O. 1998, c.15, Schedule B for an order of the Board granting leave to construct transmission reinforcement facilities in the Toronto Midtown area.

Loblaw's is a property owner directly affected by Hydro One's Toronto Midtown project as transmission towers are located on the Subject Lands and transmission lines cross over the existing Loblaw's store on the site. We have previously submitted our comments to Hydro One respecting the location and placement of the transmission towers and power lines located on the Subject Property. Although we do not object to Hydro One's application in principle, we have some concerns which we have outlined in a letter to Hydro One dated January 13, 2010. At this time we do not intend to seek observer or intervenor status in the hearing, but attached is our January 13, 2010 correspondence to Hydro One so that it may be part of the public record of Hydro One's Section 92 application.

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Yours truly,

AIRD & BERLIS LLP



Steven A. Zakem

SAZ/MC

cc. Mario Fatica, Loblaw Properties Ltd.

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January 13, 2010

BY FACSIMILE AND E-MAIL

Our file No. 97274

Mr. Jim Goodfellow, Project Manager
Engineering and Construction Services
Hydro One Networks Inc.
483 Bay Street, South Tower, Floor 7
Toronto, ON M5G 2P5

Dear Mr. Goodfellow:

**Re: Midtown Project Class EA
Loblaw Properties Ltd.
11 Redway Raod, City of Toronto**

We are solicitors for Loblaw Properties Ltd. ("Loblaws"), the owner of lands known municipally as 11 Redway Drive in the City of Toronto (the "Subject Lands").

The Subject Lands are currently occupied by a Loblaws grocery store. Several transmission towers and the Leaside 2 Junction are also located on the Subject Lands as shown on the attached aerial photo. Due to the location of the transmission towers on the Subject Lands, the transmission lines cross over the existing grocery store. The transmission lines are subject to an easement which pre-dates the grocery store.

We have been involved in the Class EA process since the commencement of the Midtown Project, attending both the public information centres hosted by Hydro One and our client has met with a Hydro One representative on site to discuss the relocation of the transmission towers.

On behalf of our client, we are requesting that as part of the Midtown Project, the northern most transmission tower located in the loading area be relocated north towards the Redway Road right-of-way so that the power lines can be directed away from the grocery store. The main reasons for this is request is to avoid potential future conflicts with any redevelopment of the site, to increase the safety of the trucks operating within the loading area and to reduce any potential liability issues.

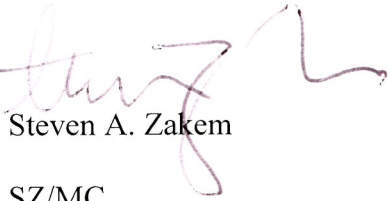
Hydro One's preferred option presented at the second public information centre utilizes the existing transmission corridor and maintains the same path over the grocery store. We understand that Hydro One would like to use the existing easements and would not like to obtain any new easements. We ask that Hydro One reconsider the preferred option as

currently contemplated and move the northernmost transmission tower in the loading dock area to accommodate our request.

In the event that Hydro One is not in a position to move the transmission tower to the Redway Road right-of-way, we are open to any other alternatives which may lead towards a mutually beneficial solution. We look forward to your response and to continue working with you throughout the Class EA process.

Yours truly,

AIRD & BERLIS LLP



Steven A. Zakem

SZ/MC

cc. Mario Fatica, Loblaw Properties Ltd.

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