

Pankaj Sardana
14 Carlton St.
Toronto, Ontario
M5B 1K5

Telephone: 416-542-2707
Facsimile: 416-542-3031
regulatoryaffairs@torontohydro.com



September 3, 2010

via RESS e-filing – original to follow by courier

Ms. Kirsten Walli, Board Secretary
Ontario Energy Board
2300 Yonge St, 27th Floor
P.O. Box 2319
Toronto, ON M4P 1E4

Dear Ms. Walli:

**RE: Toronto Hydro-Electric System Limited's
Application for Approval of Contact Voltage Remediation Costs
OEB File EB-2010-0193**

THESL has received the Board's Procedural Order #3 in which the Board sets out dates for submissions from Board Staff, intervenors, and response submissions from THESL in this proceeding.

Having reviewed the record of the proceeding, THESL acknowledges that while it has attempted to respond as fully as possible to the interrogatories received, it is likely that the record could be better clarified with respect to the relationships between THESL's financial reporting records (its audited 2009 financial results) and the corresponding regulatory accounting concepts, specifically that of 'controllable expenses'. Due to the operation of the regulatory asset account in which THESL recorded certain contact voltage-related expenditures, the composition of 2009 actual expenditures and the reconciliation of THESL's audited financial results with the regulatory accounting concept of 'controllable expenses' may not be transparent to the Board, Board Staff, and intervenors.

THESL acknowledges that it holds the burden of proof in this case and regrets any defects that may exist or be perceived to exist in the record adduced. THESL believes that it can provide, in a timely and succinct fashion, further clarification with the appropriate support material to assist all parties toward a better understanding of the relationships and reconciliations noted above. THESL feels that it should be given the opportunity to do so as it does hold the onus of proof and as Procedural Order #3 does not afford THESL the opportunity to file Argument-in-Chief where additional clarity could have been provided.

Therefore THESL requests that the Board amend its Procedural Order #3 to permit THESL to file the further clarification supported by appropriate material by Friday September 10, and to correspondingly extend the due dates for Board Staff, intervenor, and THESL submissions by 1 week each. On the other hand, should the Board feel that the further clarification with the accompanying support material to be provided warrant an additional discovery process, the Board will need to determine and set all the dates for the subsequent events.

Yours truly,

[Original signed by]

Pankaj Sardana
VP, Treasurer and Regulatory Affairs
416-542-2707
regulatoryaffairs@torontohydro.com

cc: Intervenor of Record for EB-2010-0193, by email only