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via RESS e-filing – signed original to follow by courier

Ms. Kirsten Walli, Board Secretary
Ontario Energy Board
PO Box 2319
2300 Yonge Street, 27th floor
Toronto, ON M4P 1E4

Dear Ms. Walli:

**Re: Toronto Hydro-Electric System Limited's ("THESL") Submissions on Costs
Related to Pollution Probe's Motion to Review
OEB File: EB-2011-0011**

As part of its April 5th, 2011 decision on Pollution Probe's Motion to Review the issues list, the Board invited parties to comment on the manner by which the Board should allocate the costs of the motion. THESL's submissions are as follows:

THESL supports the submissions of Board Staff, which suggest that the motion brought forward by Pollution Probe was of "marginal merit", and provided little additional value to the Board or other interveners in this proceeding:

"Board staff submits that the Motion resulted in additional costs, time and resources for the Board, the applicant and other parties without contributing to a better understanding of the issues or adding value to the application process. To the extent the Board found the Motion to be an unproductive use of the parties' (and the Board's) time and resources, it should consider ordering that Pollution Probe not recover any of the costs they incurred to pursue the Motion."

It is THESL's position that there was no apparent legal or regulatory basis for the alleged error brought forward through the motion, nor was the motion of any assistance to the Board or parties in examining the issues in this proceeding. For these reasons, THESL

submits that Pollution Probe should be denied any costs associated with this Motion phase of the proceeding.

As the applicant, THESL has a responsibility to respond to any regulatory procedural matters that may arise over the course of this proceeding, just as the Board was bound in this case by its responsibility to either dismiss or hear the motion and issue a decision. Similarly, once filed, it was reasonable that other parties would make their position on the motion known to the Board. THESL submits that in the circumstances it is reasonable for its own costs, the Board's costs, and any costs prudently incurred by other intervenors whose contributions the Board deems to have been helpful in its determination on the merits of this motion to be included in the total costs of the Application.

THESL notes that the disposition of costs in this proceeding may differ from that in a distribution rates application. As part of this proceeding (and as outlined in its February 25, 2011 Addendum) THESL is seeking to recover any regulatory costs associated with its CDM Applications, including intervenor costs claims, not through its distribution rates, but through the Global Adjustment Mechanism. THESL believes that this is consistent with the provisions of the CDM Code, which require that costs related to CDM be excluded from distribution revenue requirements.

Please contact me for any questions or comments.

Yours truly,

[original signed by]

Glen A. Winn
Manager, Regulatory Applications & Compliance

:GAW/CJM/JL/acc

cc: J. Mark Rodger, THESL Counsel
Intervenors of Record