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September 2, 2011

Delivered by Courier, Email and RESS

Ms. Kirsten Walli, Board Secretary
Ontario Energy Board
2300 Yonge Street
Suite 2701
Toronto ON M4P 1E4

Dear Ms. Walli:

Re: CANDAS Application - OEB File No.: EB-2011-0120
Our Client: Toronto Hydro-Electric System Limited ("THESL")
NOTICE OF MOTION TO DISMISS THE CANDAS APPLICATION

On behalf of THESL we attach hereto our client's Notice of Motion along with supporting evidence in connection with the above noted proceeding. Having now considered CANDAS' evidence and interrogatory responses, THESL submits the Board should make a determination on the threshold questions central to whether or not the CANDAS Application should proceed further. THESL believes the most constructive, efficient and timely approach to determine these matters is through the Board's motion process.

Specifically, the THESL Motion focuses upon the following threshold issues:

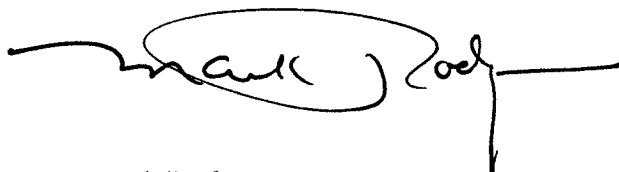
1. Does the CCTA Decision apply to wireless attachments as described by CANDAS in its Application? As described in detail in our Notice of Motion, THESL submits the CCTA Decision does not apply, and was never intended to apply, to such wireless attachments; and
2. Must the Board forebear in regulating wireless attachments, pursuant to section 29 of the OEB Act? As also described in detail in our Notice of Motion, THESL submits the Board must forebear in this case on the basis that competition for siting wireless attachments exists or will exist sufficient to protect the public interest.

Accordingly, the primary relief THESL seeks in the Motion is for the Board to dismiss the CANDAS Application.

The Board will note that the attached three binders of Motion Record materials are voluminous. Parties to this proceeding have been served with all documents contained in the Motion Record by email and through posting to RESS. In an effort to reduce the amount of paper generated for the Motion, we are requesting to limit paper copy circulation to the Board and CANDAS (2 paper copies each) and to only serve paper copies on other parties who specifically request them. If a party does require a paper copy of our Motion Record please advise and we will deliver to them next week.

Yours very truly,

BORDEN LADNER GERVAIS LLP

A handwritten signature in black ink, appearing to read "J. Mark Rodger", with a long horizontal line extending to the right.

J. Mark Rodger

Encl.

copy to: Pankaj Sardana, THESL
Helen T. Newland, CANDAS counsel
Michael Schafler, CANDAS counsel
Kristi Sebalj, OEB counsel
Intervenors in EB-2011-0120

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