

**Ontario Energy  
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**BY E-MAIL**

September 7, 2011

Mr. Mark Rodger  
Borden Ladner Gervais LLP  
Scotia Plaza, 40 King Street W.  
Toronto ON M5H 3Y4

Dear Mr. Rodger:

**Re: Notice of Motion by Toronto Hydro-Electric System Limited ("THESL")  
CANDAS Application  
Board File Number: EB-2011-0120**

On September 2, 2011, THESL filed a Notice of Motion seeking dismissal of the CANDAS application on the basis that: (a) the Board's decision on the application filed by the Canadian Cable Television Association ("CCTA") does not apply to the CANDAS application; and (b) the Board should forbear from regulating wireless attachments as competition for siting wireless attachments exists or will exist sufficient to protect the public interest.

The Board disagrees with THESL's submission that the most constructive, efficient and timely approach to determine the matters before it is through a motion process. Given that there is a process underway that deals with the substantive issues, the Board is of the view that remaining on the current schedule is appropriate.

The relief sought in the first instance (namely the applicability of the CCTA decision) is already a matter at issue in the CANDAS application and is best heard and decided in the context of the CANDAS application.

With respect to the relief sought by THESL pursuant to subsection 29(1) of the *Ontario Energy Board Act*, 1998 for forbearance, it would be premature to consider the issue at this time through a motion.

The Board will therefore hold the THESL Notice of Motion in abeyance until the CANDAS Application is heard and determined.

The Board will accept the affidavit evidence provided in the THESL motion as intervenor evidence, unless it is withdrawn by THESL.

The Board hereby extends the deadline for the filing of interrogatories on intervenor evidence to Monday, **September 12, 2011** and responses to interrogatories will be due on Monday, **September 19, 2011**. There are no other changes to the schedule.

Yours truly,

*Original signed by*

John Pickernell  
Assistant Board Secretary