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September 7, 2011

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Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
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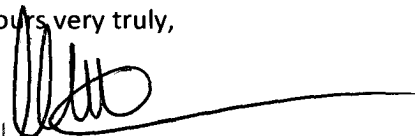
Dear Ms. Walli:

**RE: Application by Canadian Distributed
 Antenna Systems Coalition ("CANDAS");
 Board File No.: EB-2011-0120**

We represent CANDAS in connection with the above-noted Application. We are writing further to our letter of September 2, 2011 and the Board's letter to Mr. Rodger dated September 7, 2011 in which, *inter alia*, the Board indicated that it "will accept the affidavit evidence provided in the THESL motion as intervenor evidence, unless it is withdrawn by THESL".

We wish to alert the Board now that certain portions of the evidence given by Mr. Yatchew and Mr. Starkey are in our view, as a matter of law, inadmissible in that they "go to the ultimate issue" to be decided by the Board in this Application. We are prepared to raise this matter as a preliminary motion at the commencement of the hearing on October 13, 2011 or as otherwise directed by the Board.

Yours very truly,



Michael Schafler

MDS/ag

cc: Helen Newland
 George Vinyard
 Mary Anne Aldred
 Kristi Sebalj
 All Intervenors