

December 14, 2011

**Robert B. Warren**  
T: 416-947-5075  
rwarren@weirfoulds.com

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

Dear Ms Walli:

**Re: EB-2011-0361 and EB-2011-0376/Preliminary Issues**

We have received a copy of Mr. Blue's letter of December 14, 2011. In that letter, Mr. Blue advises the Board that his client, Goldcorp, does not intend to proceed with its Motion for Interim Relief or for Orders 2(c) and 2(e) of its Application. Goldcorp's decision not to proceed with its request for that relief is premised on, among other things, the prospect of completing a CCRA with Hydro One Networks Inc.

What Mr. Blue's letter confirms is that the dispute between Goldcorp and Hydro One Networks Inc. is essentially commercial in its nature. His letter also confirms, albeit unintentionally, that Goldcorp's Application is, at bottom, an attempt to compel Hydro One Networks Inc. to negotiate with Goldcorp. It would seem a reasonable conclusion that Goldcorp has succeeded in achieving that objective.

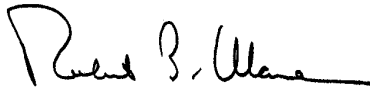
Goldcorp's Application would, if granted, have serious implications for the Board's ability to carry out its statutory obligations and, in particular, the Board's ability to protect the interests of ratepayers. We submit that the Board should not embark upon an exercise of considering a request for such Draconian relief in circumstances where the commercial dispute between the parties that underlies it seems likely to be settled. Among other considerations, responding to Goldcorp's Application, including making submissions with respect to the Preliminary Issues, incurs expenses which may ultimately be borne by electricity ratepayers. If the risk of ratepayers having to bear those costs can be avoided, in our respectful submission they should be.

Accordingly, we respectfully request that the Board adjourn the hearing of the Preliminary Issues to allow Hydro One Networks Inc. and Goldcorp additional time to resolve their commercial dispute. If, by a time to be fixed by the Board, the dispute cannot be resolved, then the Board can reschedule the hearing on the Preliminary Issues.

Your consideration in this matter is appreciated.

Yours very truly,

**WeirFoulds LLP**

A handwritten signature in black ink, appearing to read "Robert B. Warren", with a long horizontal flourish extending to the right.

Robert B. Warren

cc: Gardiner Roberts LLP, Attention: Ian A. Blue, Q.C.  
cc: All Parties