



GARDINER ROBERTS

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File No.: 96289

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E-FILED

A Street (27<sup>TH</sup> Floor)  
P.O. Box 2319  
Toronto, ON M4P 1E4

Dear Ms. Walli,

**Re: EB-2011-0361; EB-2011-0376 -  
Preliminary Issues**

We are in receipt of a letter dated December 14, 2011 from Mr. Robert B. Warren on behalf of the Consumers Council of Canada requesting the Board to adjourn the within hearing on Preliminary Issues scheduled for Monday, December 19<sup>th</sup>.


Goldcorp does not agree. The second paragraph of Mr. Warren's letter seems to imply that HONI is free to negotiate away its demand for Bypass Compensation. As the Board is aware, that is not so. HONI's obligation to collect Bypass Compensation is mandatory under section 11.2 of the TSC.

Goldcorp and HONI have agreed only to work cooperatively to complete the CCRA and to energize Goldcorp's 115 kV line before the end of Q1 2012. The dispute between Goldcorp and HONI over the obligation of Goldcorp to pay Bypass Compensation and the authority of the Board to require the payment of Bypass Compensation remains a live issue between HONI and Goldcorp and for the electricity sector in Ontario.

The purpose of the hearing on Monday is to determine whether the Board has jurisdiction under Section 19 of the Act to consider this issue. Accordingly, Goldcorp requests that the Board continue with the procedure outlined in P.O. No. 1 and not vary it through further procedural orders.

Yours truly,

Gardiner Roberts LLP



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