

January 20, 2012

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File 10606.00062

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

Dear Ms Walli:

**Re: Application of the Canadian Distributed Antenna Systems Coalition  
("CANDAS")/EB-2011-0120**

We have received a copy of Mr. Rodger's letter to you of January 19, 2012. In that letter, Mr. Rodger makes the following assertion:

Even with the assistance of external counsel, utilizing articling student resources, our experience is that completing a review of up-to 50,000 documents to assess relevance and privilege claims (assuming 1 to 2 minutes per document per reviewer) would take between 3 to 6 months and would cost between \$200,000 and \$250,000.

In his response, Mr. Rodger does not distinguish between the provision of responses to our client's Interrogatory #1, and the responses to our client's Interrogatories #5, 7 and 6(d). It is important to distinguish between the two. We would find it surprising, indeed astonishing, if the documents to be elicited in response to our client's Interrogatory #1 were anywhere remotely close to 50,000 in number.

We also do not understand what Mr. Rodger means by the following statement:

Instead, THESL proposes to limit its responses to these interrogatories to information gathered directly from inquiries conducted by relevant THESL staff who have completed a review of their files in contemplation of material of relevance to the Order.

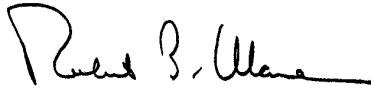
Our client has no interest in compelling THESL to go to the time and expense of reviewing 50,000 documents. However, before responding to Mr. Rodger's proposal, we require clarification on the following points:

1. What is the estimated number of documents to be reviewed in responding to our client's Interrogatory #1?
2. What is encompassed by "information gathered directly from inquiries conducted by relevant THESL staff who have completed a review of their files in contemplation of material of relevance to the Order".

Once we have answers to those two questions, we will be in a better position to respond to Mr. Rodger's proposal.

Yours very truly,

**WeirFoulds LLP**



Robert B. Warren

RBW/dh

cc: Fraser Milner Casgrain LLP  
Attention: H. Newland and M. Schafner

cc: Borden Ladner Gervais LLP  
Attention: M. Rodger

cc: All Parties

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