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January 30, 2012

Delivered by RESS and Email

Ms. Kirsten Walli, Board Secretary
Ontario Energy Board
2300 Yonge Street,
Ste. 2701
Toronto ON M4P 1E4

Dear Ms. Walli:

**Re: Toronto-Hydro Electric System Limited ("THESL") Response to
Procedural Order No. 8 in the CANDAS Proceeding (EB-2011-0120)**

Please find enclosed THESL's response to the Board's Order in Procedural Order No. 8 in respect of the ongoing CANDAS proceeding (EB-2011-0120).

As is detailed in the attached Affidavit of Documents, THESL objects to the disclosure of specified documents on the basis that they are privileged and without prejudice. THESL is also requesting confidential treatment of documents specified in Schedule "A" of the attached Affidavit of Documents pursuant to the Board's Practice Direction on Confidential Filings.

Privileged Information

In accordance with Procedural Order No. 8, THESL will provide oral submissions with respect to its claims of privilege on February 6, 2012.

Confidentiality Request

THESL does not object to any non-privileged documents being filed on the public record in this proceeding and does not seek confidential treatment of these documents for its own benefit. However, out of an abundance of caution, THESL is filing several of the documents identified in Schedule "A" in confidence because the information in those documents relates directly to DASCom attachments, and THESL believes that CANDAS may want to formally request that some or all of these documents remain in confidence.

Pursuant to Article 28 of the Agreement for Licenced Occupancy of Power Utility Distribution poles between THESL and DAScom Inc. dated August 1, 2009, THESL is bound by obligations of confidentiality in relation to information disclosed or obtained in connection with the Agreement. A copy of this Agreement was filed by CANDAS on August 31, 2011 as an updated response to Staff IR#8 and CCC IR#9, and forms a part of the record in this proceeding.

Pursuant to Section 28.02 of the Agreement, THESL is permitted to disclose confidential information if required by law (such as the Board's Order under Procedural Order No. 8) to

disclose such confidential information to a regulatory body. Due to the very short timelines imposed by the Board under Procedural Order No. 8 (THESL only finished compiling the relevant information and completing its assessment of privilege today), THESL is filing the materials in confidence and is giving DASCom an opportunity to seek confidential treatment of some or all of the information. Pursuant to Procedural Order No. 8, THESL expects that CANDAS will provide oral submissions with respect to any claims of confidentiality it may have on February 6, 2012.

Yours very truly,

BORDEN LADNER GERVAIS LLP

Original signed by J. Mark Rodger

J. Mark Rodger
Counsel to Toronto Hydro-Electric System Limited

Encl.

JMR/jv