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File No. 01009188-0006

Toronto, November 8, 2010

BY EMAIL AND COURIER

Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
27th Floor
2300 Yonge Street
Toronto, ON M4P 1E4

Dear Ms. Walli:

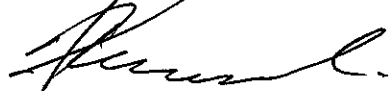
**RE : In the Matter of a Proceeding Initiated by the Ontario Energy Board pursuant to a
Notice of Proceeding dated October 29, 2010 - Evidence Submitted by the Electricity
Distributors Association on Behalf of Affected Electricity Distributors
Ontario Energy Board File No: EB-2010-0295**

We are the solicitors for the Electricity Distributors Association (the "EDA").

The EDA will be representing the Affected Electricity Distributors (as defined in the Notice of Proceedings referenced above) and is filing this evidence on behalf of the Affected Electricity Distributors collectively. The EDA is pleased to file this evidence on behalf of its members.

If you have any questions regarding the enclosed, please contact us.

Yours very truly,



Alan Mark

AM:lr

Enclosures

cc. Jennifer Teskey

IN THE MATTER OF a proceeding initiated by the Ontario Energy Board to determine whether the costs and damages incurred by electricity distributors as a result of the April 21, 2010 Minutes of Settlement in the late payment penalty class action, as further described in the Notice of Proceeding, are recoverable from electricity distribution ratepayers, and if so, the form and timing of such recovery.

EVIDENCE SUBMITTED BY THE ELECTRICITY DISTRIBUTORS ASSOCIATION
ON BEHALF OF AFFECTED ELECTRICITY DISTRIBUTORS

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Attn: Board Secretary, Kirsten Walli
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IN THE MATTER OF a proceeding initiated by the Ontario Energy Board to determine whether the costs and damages incurred by electricity distributors as a result of the April 21, 2010 Minutes of Settlement in the late payment penalty class action, as further described in the Notice of Proceeding, are recoverable from electricity distribution ratepayers, and if so, the form and timing of such recovery.

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ON BEHALF OF AFFECTED ELECTRICITY DISTRIBUTORS

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IN THE MATTER OF a proceeding initiated by the Ontario Energy Board to determine whether the costs and damages incurred by electricity distributors as a result of the April 21, 2010 Minutes of Settlement in the late payment penalty class action, as further described in the Notice of Proceeding, are recoverable from electricity distribution ratepayers, and if so, the form and timing of such recovery.

EVIDENCE SUBMITTED BY THE ELECTRICITY DISTRIBUTORS ASSOCIATION
ON BEHALF OF AFFECTED ELECTRICITY DISTRIBUTORS

I. NATURE OF APPLICATION

1. By Notice of Proceeding dated October 29, 2010, the Board has announced that it will hold a generic hearing to address the following issues:
 1. As a threshold question, whether Affected Electricity Distributors (as defined in the Notice of Proceeding) should be allowed to recover from ratepayers the costs and damages incurred in the LPP Class Action; and
 2. If the answer to the first issue is yes, what would be an appropriate methodology to:
 - a. apportion costs across customer rate classes; and
 - b. recover such allocated costs in rates.
2. The Board has directed all Affected Electricity Distributors to collectively file evidence on these issues. The Electricity Distributors Association (the “EDA”) will be representing the Affected Electricity Distributors and is filing this evidence on behalf of the Affected Electricity Distributors collectively. The EDA is pleased to file this evidence on behalf of its members.

II. OVERVIEW

3. With respect to the threshold question, the Affected Electricity Distributors submit that the costs and damages associated with the LPP Class Actions should be recoverable from ratepayers. The LPPs (as defined below) were imposed pursuant to mandatory orders of the regulators of the Affected Electricity Distributors and the revenues were used to mitigate the rates of all customers. The settlement of the LPP Class Actions was very advantageous to the Affected Electricity Distributors and their customers and avoided the

significantly greater costs and damages which would have resulted in the absence of a settlement.

4. The amounts to be recovered should be recovered through the mechanism of a customer charge across all metered rate classes.

III. BACKGROUND TO THRESHOLD QUESTION

a. History of Late Payment Penalty Charges

5. Prior to industry restructuring at the end of the 1990s, electricity distribution in Ontario was primarily undertaken by municipally owned hydro-electric utility commissions ("MEUs") and Ontario Hydro. The *Power Corporation Act* had established Ontario Hydro as a public, non-profit entity, and was built on the fundamental premise of public power. The MEUs were municipal commissions established pursuant to the *Public Utilities Act* for the purpose of purchasing electricity from Ontario Hydro and managing and operating the electric distribution facilities found in all municipalities in Ontario.
6. Ontario Hydro was the regulator of rates charged by MEUs pursuant to Section 113 the *Power Corporation Act*. Each year, Ontario Hydro issued to each MEU a schedule of rates to be charged to its customers the following year. The schedule would include any amount to be charged in respect of accounts not paid by the due date. The Act made it an offence to charge rates other than those approved by Ontario Hydro.
7. In the 1980s, the Ontario Ministry of Energy undertook a process to harmonize credit and collection policies across the electricity and natural gas sectors. As a result of an extensive consultation process, including public input, a comprehensive credit and collection policy was settled. It included a late payment penalty ("LPP") mechanism. The LPP mechanism was subsequently approved by Ontario Hydro and the Ontario Energy Board ("OEB"), the respective regulators of each of the electricity and natural gas sectors, and was incorporated in the approved rate schedules or orders.
8. By 1989, almost all MEUs charged LPPs according to the approved mechanism. The Ontario Hydro guidelines to MEUs dictating the approved rates and charges to be charged to customers regularly reiterated the LPP mechanism to be used. For example, the "1998 Regulatory Guidelines For Ontario Municipal Electric Utilities", issued in September 1997 by Ontario Hydro, set out service charges and stated the following:
 - "Late Payment Charge – This charge shall be adopted by all utilities to ensure uniformity in the approach to late payment.
 - A one-time charge – 5% of outstanding amount"

9. LPPs were intended to protect innocent customers from the costs incurred because of late payments by other customers. They were intended to compensate for financial and administrative costs actually incurred.
10. Industry restructuring began in 1998. Between November 8, 1998 and November 7, 2000, MEUs were converted to business corporations (and began to be referred to as local distribution companies or “LDCs”) pursuant to section 142 of the *Electricity Act, 1998* (the “Electricity Act”)¹.
11. Since April 1, 1999, electricity distribution rates have been approved by the OEB pursuant to section 78 of the *Ontario Energy Board Act, 1998* (the “OEB Act”)². Section 78(2) of the OEB Act prohibits charges for the distribution of electricity except in accordance with an order of the OEB. OEB rate orders for distribution rates continued to dictate the LPP mechanism in its original form.
12. With respect to charging LPPs, the MEUs/LDCs relied in good faith upon the validity of the Ministry of Energy guidelines, the rates approved by Ontario Hydro pursuant to those guidelines and the rate orders of the OEB.
13. After the OEB began regulating the LDCs, the LDCs began to obtain approval of alternative mechanisms to collect for late payments in their new rate orders. By the end of the first quarter of 2002, all LDCs had stopped charging LPPs in the original form mandated by the Ministry of Energy in the 1980s.

b. Challenge to LPPs

14. In 1981, the Federal Parliament amended the *Criminal Code* (section 347) to render it a criminal offence to receive an interest payment at an effective rate of interest exceeding the annual amount of 60 percent. The provision was intended to deal with “loan sharking” and was not thought to be generally applicable to commercial transactions. The OEB rejected submissions made to it from time to time alleging that LPPs in their original form violated section 347.
15. In 1994, class actions were commenced against the Consumers’ Gas Company Limited (the “Garland Action”) and against Toronto Hydro (the “Pichette Action”)³ alleging violation of the *Criminal Code* interest provision. Both actions alleged that an LPP is interest as defined in section 347, and that, depending on the amount of the bill and the payment date, the LPP could result in an effective rate of interest in excess of 60 percent. The plaintiff in each case claimed restitution on behalf of a plaintiff class for unjust enrichment arising from the LPPs levied by the defendant utility.
16. Both actions were defended on grounds, *inter alia*, that LPPs were not in the nature of interest as defined in section 347 of the *Criminal Code*. The Garland Action was prosecuted by the plaintiff as the test case, and Consumers’ Gas brought a motion to

¹ S.O. 1998, Chapter 15, Schedule A

² S.O. 1998, Chapter 15, Schedule B

³ *Tamar L. Pichette v. Toronto Hydro*, Court File No. 94-CQ-50878

dismiss the action on the basis that LPPs were not interest. In 1995, the Ontario Superior Court of Justice ruled that the LPP was not interest. In 1996, this ruling was upheld in the Ontario Court of Appeal. This preliminary question was litigated to the Supreme Court of Canada (the “SCC”).

17. In 1998, the SCC held that, in the circumstances of the Garland Action, the LPP constituted interest (“Garland No. 1”).⁴ Given that the LPP was a one-time penalty paid if the bill was not paid on time and without regard to the amount of the bill or the amount of time the bill had been outstanding, in many circumstances the effective rate of interest exceeded 60 percent and thus contravened section 347 of the *Criminal Code*.
18. The Pichette Action remained dormant while the Garland Action was litigated.
19. In 1998, a new class action was started against Toronto Hydro for restitution of LPPs, this time naming Toronto Hydro as the proposed representative defendant on behalf of a class described as “all municipal electric utilities in Ontario which have charged Late Payment Penalties on overdue utility bills at any time after April 1, 1981” (the “Griffiths Action”).⁵ By agreement, the Griffiths Action, like the Pichette Action, was held in abeyance pending disposition of motions for summary judgment in the Garland Action.
20. Garland No. 1 did not dispose of all of the issues in the Garland Action. Consumers’ Gas relied on other defences. These defences were the subject of a second set of motions for summary judgment by both parties, which ultimately led to a second SCC decision released on April 22, 2004 (“Garland No. 2”).⁶
21. Toronto Hydro, with the assistance of the EDA, sought and obtained leave to intervene in those motions. The various intervention orders made from time to time gave Toronto Hydro limited rights of participation. Union Gas, against whom a similar class action had been commenced in 2003, also intervened.
22. The essence of the defences raised was that Consumers’ Gas ought not to be made to repay monies which were collected by it under valid and subsisting orders of the OEB. Pursuant to the OEB Act, Consumers’ Gas was legally obliged to charge its customers the rates specified in the rate orders issued from time to time by the OEB. The defence asserted that the defendant could not be considered to have been unjustly enriched if the monies were collected under an order of the OEB. Consumers’ Gas also relied upon section 18 (now section 25) of the OEB Act which provides that an order of the OEB is a complete defence to any action complaining of steps taken thereunder.
23. In 2000, the Ontario Superior Court of Justice ruled in favour of Consumers’ Gas and ordered the action dismissed. This decision was upheld in the Court of Appeal in 2001.
24. However, the SCC overturned the decision and held that none of the defences prevented restitution of LPPs collected by Consumers’ Gas after the commencement of the action against Consumers’ Gas. The Court concluded that, applying the constitutional doctrine

⁴ *Garland v. Consumers’ Gas Co.*, [1998] 3 S.C.R. 112

⁵ *Jonathan Griffiths v. Toronto Hydro-Electric Commission*, Court File No. 98-CV-158062

⁶ *Garland v. Consumers’ Gas Co.*, [2004] 1 S.C.R. 629

which makes Federal legislation paramount over Provincial legislation, the rate orders of the OEB were at all times constitutionally inoperative to the extent that LPPs collected thereunder exceeded an effective rate of 60 percent and, therefore, such LPPs violated section 347 of the *Criminal Code*. Thus, the OEB orders could not be relied upon as a defence to the unjust enrichment claim. However, the court ruled that fairness dictated that Consumers' Gas need not make restitution for the period prior to it being sued in the action.

c. The Enbridge settlement

25. After Garland No. 2, only damage issues remained unresolved in the case against Consumers' Gas which, by that time, had become Enbridge Distribution Inc. ("Enbridge"). Instead of going to trial on the damages issues, the parties resolved damage issues in a mediation with The Honourable Mr. Justice Cumming.
26. The Enbridge settlement included a payment of \$9 million to the Winter Warmth Fund, which provides financial assistance to low-income families for payment of their energy bills, the payment of \$10,130,469 to class counsel and \$609,155 in respect of GST on the counsel fees, and payments exceeding \$2 million to the Class Proceedings Fund, a quasi-government entity which assisted in the financing of the litigation, and in respect of disbursements by the Fund and class counsel.
27. The payment of the settlement funds to the Winter Warmth Fund was considered appropriate because of the impossibility, and inordinate cost, of endeavouring to identify which customers paid LPPs which contravened section 347, and because using the Winter Warmth Fund would ensure that the settlement funds would benefit at least the members of the class.
28. Backing out interest, Enbridge paid damages and counsel fees equal to 19.3% of the total LPPs collected from the commencement of the action against it until Enbridge abolished the offending LPP practice. This settlement was approved as fair and reasonable by the Ontario Superior Court of Justice and, therefore, brought an end to the Garland Action.

d. Enbridge CASDA⁷ Decision

29. Following the settlement of the Garland Action, Enbridge applied to the OEB for all settlement costs to be recovered through rates.⁸ The application was granted such that all settlement costs and the associated interest expense were to be recovered from ratepayers, because the settlement costs were prudently incurred.⁹ The Board further found that:

⁷ CASDA is short for the "Class Action Suit Deferral Account".

⁸ In addition to the amount of the settlement, all legal costs incurred by Enbridge associated with defending the Garland Action were allowed in rates over the years.

⁹ Reasons and Decision dated February 4, 2008 in Ontario Energy Board File No. EB-2007-0731

- The settlement costs did not represent a forecast error or forecast variance to be borne by shareholders;¹⁰
 - Recovery of settlement costs did not constitute retroactive rate-making;¹¹ and
 - There was no basis for adjusting the amounts sought to be recovered.¹²
30. Enbridge proposed that the allocation for recovery be on the basis of a per customer charge over multiple rate years, and the Board agreed that that was an appropriate allocation method reflecting the allocation of the LPP revenues.¹³
31. The Board also recognized that additional interest would accrue on the balance of the deferral account which held the balance until it was cleared. The Board decided to approve a shorter recovery period than originally sought by Enbridge due to benefits in terms of simplicity and efficiency with aligning the recovery to the period of the incentive rate mechanism as well as reduced interest expense for the ratepayers.¹⁴

e. Union Gas Settlement

32. Following court approval of the Enbridge settlement, plaintiff's counsel turned their attention to Union Gas. Union Gas also agreed to mediate with Justice Cumming. Union Gas ultimately settled for a payment of \$9,227,500, amounting to about 8.8% of LPP revenue it collected plus prejudgment interest and costs. The Court approved the settlement.¹⁵

IV. SETTLEMENT OF THE PICHETTE AND GRIFFITHS ACTIONS

33. Plaintiff's counsel then turned their attention to the litigation against the LDCs.
34. An Ad Hoc Committee of the EDA, on which Toronto Hydro, other LDCs and EDA staff were participants, was set up to instruct counsel, Alan Mark and Kelly Friedman of

¹⁰ EB-2007-0731, page 12

¹¹ *ibid.*, page 12

¹² *ibid.*, page 13

¹³ *ibid.*

¹⁴ *ibid.*, Page 13, 14

¹⁵ Union Gas had additional defences not available to Enbridge or, indeed, the MEUs. Union Gas had stopped collecting LPPs by the time the action against it was commenced and argued that, as the SCC had ruled that the plaintiffs could only succeed with respect to LPPs collected after the action was commenced, no damages were payable. Further, the Union LPP policy had an important factual distinction from that of Enbridge. That is, its bills provided that they were due "when rendered" as opposed to on a subsequent due date like Enbridge and LDC bills; actuarial evidence indicated that such a scheme resulted in fewer violations of the 60% effective rate of interest limit in the *Criminal Code*.

Ogilvy Renault LLP (“LDC counsel”). LDC counsel were instructed to explore settlement.

35. While the SCC had ruled against the utilities on the LDCs’ principal defences, for settlement purposes the LDCs put forward some additional arguments to distinguish their case from the Garland Action. The LDCs also relied on the fact that a defendant’s class action would be difficult for the plaintiff to prosecute, because LDCs other than Toronto Hydro could opt out of the class action, and would have to be sued individually; therefore, the plaintiff faced significant cost and delay in prosecuting the Griffiths Action.
36. LDC counsel engaged in settlement discussions with plaintiff’s counsel over a period of many months, but the negotiations were unsuccessful. Plaintiff’s counsel then advised LDC counsel it would proceed in court with the Pichette and Griffiths Actions unless the LDCs were willing to go to mediation in a final attempt to reach a settlement.

a. Mediation of the Pichette and Griffiths Actions

37. The Honourable Mr. Justice Peter Cumming, who had mediated both the Enbridge and Union Gas settlements, was engaged as mediator for the Pichette and Griffiths Actions. A mediation was held between the parties from January 13 to 15, 2010.
38. With the strong recommendation of Cumming J., the parties agreed on a settlement in principle that LDC counsel were prepared to recommend to all LDCs, the principal terms of which were the following:
 - a. LDCs would collectively pay \$17 million in damages, based on a recovery of approximately 9% of LPP revenues¹⁶, inclusive of pre-judgment interest;
 - b. Payment would not be due until June 30, 2011;
 - c. Amounts paid, after deduction for class counsel fees, costs and applicable interest, would be paid to the Winter Warmth Fund or similar charities; and
 - d. LDCs would be at liberty to seek OEB permission to recover settlement costs through rates.
39. Considered as a percentage of total revenues, the settlement quantum was substantially more favourable to the defendants than the Enbridge settlement, and more favourable to the defendants than the Union Gas settlement, having regard to the additional defences which were available to Union Gas.

¹⁶ The settlement was negotiated as a percentage of LPP revenues incurred from the commencement of the litigation to the median date upon which LDCs ceased using LPPs, being mid-2001.

40. The Pichette and Griffiths Actions were framed as class actions. Therefore, there were specific requirements imposed by the *Class Proceedings Act, 1992* before the actions could be brought to an end, and in particular, the litigation could not be settled without the Court approving the settlement as being a fair settlement for the plaintiffs. As well, as the LDCs could opt out of the action, Toronto Hydro, while sued as a representative of all LDCs, could not settle on behalf of the other LDCs; each LDC had to agree to the settlement.
41. Following the settlement in principle, LDC counsel strongly recommended to the Ad Hoc Committee of the EDA and the EDA Board of Directors that this proposed settlement was in the best interest of every LDC. It was a small fraction of the quantum that might be awarded after a trial and was favourable when compared to the Enbridge and Union Gas settlements. It also avoided significant litigation costs which, together with costs which would be payable to the plaintiffs in the litigation, would have been several million dollars.
42. LDC counsel were then instructed to negotiate with plaintiff's counsel the detailed documentation which would be required by the *Class Proceedings Act, 1992* to effect a settlement in accordance with the agreement in principle reached at the mediation. Such negotiations took place in January and February of 2010. At the end of February, LDC counsel received a formal Offer to Settle from plaintiff's counsel in accordance with the negotiated documentation.
43. On March 1, 2010, the EDA distributed to all LDCs the proposed settlement documentation with a recommendation that the settlement be accepted and that each LDC execute and return to LDC counsel a Consent and Waiver of Opt Out Rights form which would declare to the court that the LDC was agreeable to paying its proportionate share of all settlement costs to bring the litigation to an end.

b. The total cost of the actions and allocation among LDCs

44. The total cost to be divided amongst the LDCs and communicated to them on March 1, 2010 was as follows:
 - the \$17 million (inclusive of damages, plaintiffs' counsel's fees and costs) from the agreement in principle plus applicable taxes (the "Settlement Cost"); plus
 - the costs of a court mandated notice program to notify plaintiff class members of the settlement; plus
 - defendants' legal fees and costs incurred and estimated to be incurred in the litigation and these proceedings.¹⁷

¹⁷ For administrative convenience, legal fees and costs for all LDCs other than Toronto Hydro were financed, on an interim basis, by the EDA, and the LDCs are to repay these amounts incurred on their behalf to the EDA. Toronto Hydro paid a share of the legal costs, approximately 27%. Toronto Hydro included that expense as part of the External Legal Fees component of its annual revenue requirement and has thereby recovered some of these fees

The total of the Settlement Cost plus the costs of the court mandated notice program plus defendants' legal fees and costs was estimated at \$18,382,125 (the "Allocated Amount").

c. Dividing the Allocated Amount

45. The Allocated Amount was divided amongst the LDCs that collected LPPs based on each LDC's total service revenue for the period of time over which it had exposure to pay damages to the plaintiff class in the litigation.
46. Having regard to the significant difficulties, if not impossibility, and cost associated with endeavouring to calculate the offending LPP revenue of any particular utility, service revenue was considered to be the best proxy for allocating the settlement costs amongst the LDCs. Garland No. 2 had found that liability for violative LPPs commenced from the date Enbridge was sued. Accordingly, in order to divide the Allocated Amount amongst the LDCs, the start date for exposure to damages for each LDC was based on the commencement of the litigation against it. Toronto Hydro, which was sued in 1994 in the Pichette Action, was presumed to have exposure beginning in 1994, while the remaining LDCs which had historically charged LPPs were presumed to have exposure beginning at the end 1998, being the date of the commencement of the Griffiths Action.
47. With respect to an end date for exposure to damages, for all LDCs, mid-2001 was selected, as mid-2001 represented the approximate median date by which LDCs ceased charging LPPs.
48. Next, to determine relative shares of the Allocated Amount, revenue data up until 2001 was used. For Toronto Hydro, whose exposure to damages commenced in early in 1994, total revenue data from 1994 to 2001 was used. For the remaining LDCs, whose exposure only commenced at the end of 1998, revenue data for the years 1999, 2000 and 2001 was used.
49. On March 1, 2010, a schedule was provided to the LDCs which divided the Allocated Amount amongst the LDCs in accordance with the foregoing criteria.

d. Formal acceptance of the plaintiff's offer to settle the Pichette and Griffiths Actions

50. During the month of March 2010, LDC counsel conducted a briefing conference call for all LDCs, fielded questions from LDCs regarding the settlement, and held an information session and answered further questions at the EDA Annual General Meeting on March 29, 2010. LDCs were able to, and many did, obtain advice from their own counsel.
51. By mid-April, and before the expiry of the plaintiff's offer to settle, LDC counsel had received a Consent and Waiver of Opt Out Rights form from each and every LDC which had exposure in the litigation, as well as from some municipalities which retained exposure in the Griffiths Action after having sold distribution assets to Hydro One Networks Inc. ("HONI"). There were approximately 80 small utilities which had been

through rates. When calculating the per customer charge to be included in the rate rider sought in this proceeding, Toronto Hydro will deduct all such amounts previously collected through rates.

sold to Hydro One during the pendency of the litigation and in respect of which any liability remained with the municipality. In aggregate, these utilities represented only 1.2% of the total service revenues.

52. It was subsequently determined that the March 1, 2010 schedule and the Consent and Waiver of Opt Out Rights forms were slightly inaccurate. It excluded Halton Hills Hydro Inc. ("Halton Hills") from the schedule based on incorrect information that Halton Hills did not collect LPPs when, in fact, it had. In addition, this information only came to light after a number of LDCs had already delivered consents to pay their *pro rata* share of the Allocated Amount, as per the schedule which excluded Halton Hills. The schedule setting out each LDC's portion of the Allocated Amount, which includes Halton Hills *pro rata* share, is attached hereto as Appendix A. By including Halton Hills in the schedule, each LDC will be required to pay a slightly lower amount than they have already consented to pay in their Consent and Waiver of Opt Out Rights forms. The aggregate amount of the settlement remains unchanged.
53. On April 21, 2010, LDC counsel executed Minutes of Settlement and formally accepted the offer to settle the Pichette and Griffiths Actions.

e. Court process to finalize the settlement

54. On May 20, 2010, Justice Cumming issued an Order (the "Fairness Hearing Order") providing for a fairness hearing to be held on July 16, 2010. The fairness hearing, required under the *Class Proceedings Act 1992*, would determine whether the settlement would be binding, and for the forms and locations of notices to be published to ensure that electricity customers, potential plaintiff class members, would receive notice of their right to participate in the fairness hearing and for the form of notice to be sent to each member of the defendant's class who had not provided a Consent and Waiver of Opt Out Rights form to LDC counsel. Since all LDCs had provided such forms, the notices were required to be mailed to specific municipalities only.
55. The fairness hearing was held on July 16, 2010. By Order dated July 22, 2010 (the "Implementation Order"), the Court consolidated the Pichette and Griffiths actions as one proceeding, certified the consolidated action as a class proceeding and approved and implemented the settlement of the action. The Implementation Order is attached hereto as Appendix B.
56. The Implementation Order permitted any member of the plaintiff class to opt-out of the lawsuit by delivering to plaintiffs' counsel an opt-out coupon, or a substantially similar legible written, signed request on or before the expiry of the 30th day after the date the notice to plaintiff class members was first published in *The Globe and Mail*. As the first notice was published in *The Globe and Mail* on August 24, 2010, the deadline for members of the plaintiff class to opt-out of the action was September 23, 2010.
57. Plaintiffs' counsel subsequently advised that one (1) member of the plaintiff class delivered an opt-out coupon electing to opt-out of the settlement by the opt-out deadline. As a result, this individual (namely, [REDACTED], of Toronto, Ontario) will not be bound by the settlement. All other plaintiff class members are now bound by the settlement.

58. Further, pursuant to the terms of the Implementation Order, defendant class members were permitted to opt-out of the settlement if they had not already committed themselves to it by delivering a signed Consent and Waiver of Opt Out Rights form. Since all LDC defendant class members had provided Consent and Waiver of Opt Out Rights forms, only the municipalities who had not yet done so were permitted to opt out of the settlement. The terms of the Implementation Order provided that defendant class members had until October 25, 2010 to opt out of the settlement.
59. No defendant class members opted out of the settlement.
60. The settlement is therefore binding on all LDCs and municipalities with exposure in the litigation and all plaintiff class members but for one customer of Toronto Hydro-Electric System Limited, [REDACTED]

V. SETTLEMENT IMPLEMENTATION AND ALLOCATED AMOUNT

61. Pursuant to the Implementation Order, \$17,037,500 is payable to plaintiffs' counsel (the "Settlement Payment"). After deduction of plaintiffs' counsel legal fees and disbursements, determined by the court to be \$4,862,500, and applicable GST/HST, the balance of the Settlement Payment is to be distributed to the benefit of the plaintiff class by means of low-income energy assistance programs in the service areas of the defendant class members.
62. As described above, LDC counsel obtained commitments from the LDCs to fund the Allocated Amount, \$18,382,125, and not simply the Settlement Payment. This was done in order to ensure that each LDC would contribute its fair share of the Settlement Payment (\$17,037,500), defendants' legal costs incurred to that point and estimated to the completion of settlement implementation, including this application (\$700,000), maximum applicable taxes (approximately \$632,125) and estimated costs associated with the various notices required by the Fairness Hearing Order and the Implementation Hearing Order (approximately \$50,000).
63. It is possible that LDC counsel might have overestimated the Allocated Amount in respect of total legal fees, costs and taxes to the end of the administration of the settlement and this proceeding. If so, and LDC counsel retains a trust balance after making the Settlement Payment and covering all legal fees and costs incurred on behalf of defendants, it is proposed that any such balance be returned to the LDCs in accordance with their respective proportions of the Allocated Amount. LDC counsel does not expect any reimbursement to an LDC to exceed 2% of the amount contributed by that LDC.

VI. CONCLUSION ON THRESHOLD QUESTION OF RECOVERABILITY

64. The LDCs submit that the Allocated Amount is a reasonably incurred cost and should be recoverable through rates from customers:
 - a. the LPPs, including offending LPPs, were incurred pursuant to regulatory requirements imposed by the lawful regulators of the LDCs, initially Ontario Hydro and subsequently the Ontario Energy Board as evidenced by the sample rate approvals attached hereto as Appendix C;

- b. it would have been an offence for LDCs to have implemented a system of late payment charges other than the LPPs;
- c. the LPPs were adopted by the regulators after an extensive public consultation process and at the behest of the Government of Ontario;
- d. the LPPs were intended to, and did, mitigate customer rates by compensating for actual costs incurred by reason of late payments. All customers benefited. The LDCs did not profit from these revenues;
- e. the OEB dismissed arguments that the LPPs might, in some circumstance, violate section 347 of the *Criminal Code*;
- f. even after the Garland and Pichette actions were commenced, the Ontario Superior Court and the Ontario Court of Appeal ruled that section 347 had no application to the LPPs;
- g. only in 1998 did the SCC rule that section 347 applied. Thereafter, in conjunction with their transitional rate applications, the LDCs migrated to a new late payment regime in an orderly and timely fashion;
- h. the settlement of the class action litigation was reasonable and prudent:
 - (1) the SCC had deprived the LDCs of the most significant defences to the claim;
 - (2) the Settlement Cost is a fraction of the amount which might have been awarded had the matter proceeded to trial;
 - (3) settling avoided significant future legal costs;
 - (4) the Settlement Amount is very favourable to the LDCs in comparison to the Enbridge and Union Gas settlements;
 - (5) the Settlement Amount was ruled by the Superior Court to be fair and reasonable;
 - (6) the settlement followed extensive hard bargaining and mediation by an experienced judge;
 - (7) the cost of the settlement on a per customer basis is very small; and
 - (8) some customers will receive the benefit of the settlement through access to the low income assistance programs funded by the settlement.

65. As HONI will receive indemnification from various municipalities for the liabilities HONI assumed when it purchased certain LDCs, HONI is not seeking rate recovery of its share of the Allocated Amount, being \$225,900.91 and is not a participant in this proceeding.

VII. PROPOSED RECOVERY FROM CUSTOMERS

a. Proposed approach for cost recovery

66. The payment of settlement funds is scheduled for June 30, 2011. As of this date, there is no uncertainty as to the amounts or timing of the payments to be made by each LDC, pursuant to their respective legal obligations under the terms of the Implementation Order.
67. As an industry, the LDCs propose that for both cost-of-service LDCs and those on the incentive regulation mechanism ("IRM"), the recovery of each LDC's portion of the Allocated Amount be through a monthly fixed charge rate rider on distribution rates over 12 months from January 1, 2011 to December 31, 2011 for LDCs with distribution rates effective January 1, 2011, and from May 1, 2011 to April 30, 2012 for all other LDCs.
68. Consistent with the Enbridge CASDA Decision, the LDCs propose that costs be recovered from customers using a per customer charge. LPP revenues were considered general revenues and thus were applied to mitigate the rates of all customers. Therefore, a per customer charge is a reasonable proxy for the apportionment of the Allocated Amount across all customer classes.
69. A rate rider could be developed on a generic basis for all LDCs, or each LDC could calculate the rate rider based on a common methodology.
70. The LDCs propose that each LDC's portion of the Allocated Amount be divided by the LDC's total number of metered customers as set out in the Board's most recent Yearbook of Electricity Distributors. This per customer amount would be divided by the period of recovery to determine the monthly charge. As noted above, the proposed period is 12 months. Due to differences in the composition of the customer bases of the LDCs, this methodology will result in variations in the per-customer charge from LDC to LDC. The methodology proposed by the LDCs will result in monthly customer charges which will mostly be less than \$0.50 per bill. Toronto Hydro's monthly charge will be greater than that of any other LDC because of its greater proportionate share of liability, but its monthly charge is estimated to be less than \$1 per month if collected over 12 months. In cases where the impact is relatively higher, it could be appropriate to lengthen the period of recovery to 24 months.
71. The LDCs further propose that any differences between each LDC's portion of the Allocated Amount and the amount billed to customers, together with any potential refund pursuant to the mechanism set out in paragraph 63, be recorded in an appropriate variance account and interest be calculated in accordance with standard OEB practice. Any residual balance in the variance account upon the expiry of the rate riders and finalization of the revenues obtained therefrom would be subject to future disposition.

APPENDIX “A”

EB-2010-0295

Appendix A

<u>LDC</u>	<u>1994</u>	<u>1995</u>	<u>1996</u>	<u>1997</u>	<u>1998</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>Total LDC Service Revenue</u>	<u>Share of each LDC as a %</u>	<u>Amount Owling by LDC</u>
1 Atikokan Hydro Inc.						\$ 3,760,905	\$ 3,772,991	\$ 3,786,408	9427100	0.041234383%	\$7,579.76
2 Barrie Hydro Dist. Inc.						\$ 64,871,271	\$ 95,736,656	\$ 103,789,371	212502612.5	0.929492014%	\$170,860.38
BRADFORD-WEST GWILLIMBURY PUC						\$ 7,753,794			7753794	0.033915299%	\$6,234.35
ESSA TWP. HEC						\$ 299,349			299349	0.001309360%	\$240.69
NEW TECUMSETH HEC						\$ 14,158,292			14158292	0.061928741%	\$11,383.82
PENETANGUISHENE HEC						\$ 5,681,037			5681037	0.024849005%	\$4,567.78
3 Bluewater Power Distribution Corporation						\$ 72,269,920	\$ 73,358,371	\$ 80,259,114	185757848	0.812509711%	\$149,356.55
4 Brant County Power Inc.						\$ 20,070,971	\$ 20,670,202	\$ 22,320,459	51901402.5	0.227018099%	\$41,730.75
5 Brantford Power Inc.						\$ 60,799,461	\$ 62,263,210	\$ 69,483,604	157804473	0.690240913%	\$126,880.95
6 Burlington Hydro Inc.						\$ 110,861,924	\$ 112,916,087	\$ 125,142,447	286349234.5	1.252499079%	\$230,235.95
7 Cambridge & North Dumfries Hydro Inc.						\$ 92,885,248	\$ 95,260,000	\$ 108,415,000	242352748	1.060057291%	\$194,861.06
8 Centre Wellington Hydro Ltd.						\$ 12,242,918	\$ 12,668,481	\$ 13,384,395	31603596.5	0.138234962%	\$25,410.52
9 Chapeau Public Utilities Corp.						\$ 2,577,279	\$ 2,647,536	\$ 2,789,979	6619804.5	0.028955199%	\$5,322.58
10 Chatham-Kent Hydro Inc.						\$ 65,949,051	\$ 64,998,829	\$ 68,980,937	165438348.5	0.723631686%	\$133,018.88
DUTTON HYDRO INC.						\$ 614,349	\$ 620,300	\$ 655,177	1562237.5	0.006833268%	\$1,256.10
11 Clinton Power Corp.						\$ 2,285,528	\$ 2,317,735	\$ 2,508,620	5857573	0.025621178%	\$4,709.72
12 COLLUS Power Corp.						\$ 19,130,245	\$ 22,505,518	\$ 23,590,659	53431092.5	0.233709003%	\$42,960.68
CLEARVIEW TWP. HEC						\$ 2,850,510			2850510	0.012468206%	\$2,291.92
THE BLUE MOUNTAINS ENERGY SERVICES						\$ 1,624,498			1624498	0.007105597%	\$1,306.16
13 Cooperative Hydro Embrum Inc.						\$ 1,948,515	\$ 2,343,721	\$ 2,058,081	5321276.5	0.023275403%	\$4,278.51
14 E.L.K. Energy Inc.						\$ 13,958,465	\$ 13,858,363	\$ 15,090,151	35361903.5	0.154673896%	\$28,432.35
Enersource Hydro Mississauga Inc.						\$ 479,146,404	\$ 497,908,000	\$ 552,824,000	1253466404	5.482695003%	\$1,007,835.85
16 Enwin Powerlines Inc. & Enwin Utilities						\$ 208,949,512	\$ 215,214,173	\$ 234,023,622	541175496	2.367115846%	\$435,126.19
17 Erie Thames Powerlines Corp.						\$ 27,859,517	\$ 27,953,506	\$ 27,711,893	69668969.5	0.304733904%	\$56,016.57
18 Espanola Regional Hydro Distribution Corp.						\$ 4,791,569	\$ 4,930,694	\$ 5,233,494	12339010	0.053971154%	\$9,921.05
19 Essex Power Lines Corp.						\$ 36,183,707	\$ 37,181,695	\$ 41,660,155	94195479.5	0.412013504%	\$75,736.84
20 Festival Hydro Inc.						\$ 31,516,350	\$ 43,036,898	\$ 48,928,817	98017656.5	0.428731806%	\$78,810.02
BRUSSELS PUC						\$ 678,741			678741	0.002968831%	\$545.73
DASHWOOD HS						\$ 240,894			240894	0.001053677%	\$193.69
HENSALL PUC						\$ 1,248,159			1248159	0.005459480%	\$1,003.57
SEAFORTH PUC						\$ 1,727,061			1727061	0.007554210%	\$1,388.62
ST. MARYS PUC						\$ 6,002,472			6002472	0.026254970%	\$4,826.22
ZURICH HS						\$ 526,931			526931	0.002304810%	\$423.67
21 Fort Frances Power Corp.						\$ 4,415,003	\$ 4,508,531	\$ 4,766,034	11306551	0.049455151%	\$9,090.91
22 Greater Sudbury Hydro Inc.						\$ 68,808,597	\$ 71,758,369	\$ 69,731,529	175432730.5	0.767347375%	\$141,054.75
WEST NIPISSING ENERGY SERVICES LTD.						\$ 4,408,547	\$ 4,417,170	\$ 4,666,640	11159037	0.048809921%	\$8,972.30
23 Grimsby Power Inc.						\$ 11,189,655	\$ 11,436,130	\$ 12,637,696	28944633	0.126604586%	\$23,272.61
24 Guelph Hydro Electric						\$ 98,122,338	\$ 101,690,227	\$ 110,962,000	255293565	1.116660765%	\$205,265.98
WELLINGTON ELECTRIC DIST. CO. INC.						\$ 1,130,963	\$ 1,192,305	\$ 1,290,000	2968268	0.012983282%	\$2,386.60
25 Haldimand County Hydro Inc.						\$ 24,090,995	\$ 26,213,328	\$ 29,201,835	64905240.5	0.283897228%	\$52,186.34
26 Halton Hills Hydro Inc.						\$ 29,880,212	\$ 31,052,579	\$ 34,890,624	78,278,103	0.342390480%	\$62,938.65
27 Hearst Power Distribution Co. Ltd.						\$ 7,117,359	\$ 7,484,128	\$ 7,891,600	18547287	0.081126321%	\$14,912.74
28 Horizon Utilities Corporation									0	0.000000000%	\$0.00
HAMILTON HYDRO INC.						\$ 439,679,959	\$ 444,035,264	\$ 469,615,000	1118522723	4.892447795%	\$899,335.87
ST. CATHARINES HYDRO UTILITY SERVICES INC.						\$ 100,988,064	\$ 100,273,443	\$ 106,739,607	254631310.5	1.113764046%	\$204,733.50
29 Hydro 2000 Inc.						\$ 1,876,768	\$ 1,947,687	\$ 1,964,469	4806689.5	0.021024586%	\$3,864.77
30 Hydro Hawkesbury Inc.						\$ 13,142,475	\$ 12,973,902	\$ 13,590,626	32911690	0.143956597%	\$26,462.28
31 Hydro One Brampton Networks						\$ 211,616,814	\$ 219,596,080	\$ 245,929,228	554177508	2.423988989%	\$445,580.32
32 Hydro One Networks Inc.									0	0.000000000%	\$0.00
BOBCAYGEON HEC						\$ 2,909,131	\$ 3,074,216		5983347	0.026171317%	\$4,810.84
BRIGHTON DISTRIBUTION INC.						\$ 2,835,042	\$ 2,927,792		5762834	0.025206787%	\$4,633.54
BROCKVILLE UTILITIES INC.						\$ 21,312,664	\$ 22,137,534		43450198	0.190052308%	\$34,935.85
CALEDON HYDRO CORP.						\$ 30,438,299	\$ 36,753,588		67191887	0.293899080%	\$54,024.90
CAMPBELLFORD/SEYMOUR ELEC. DIST. INC.						\$ 3,029,499	\$ 3,114,508		6144007	0.026874048%	\$4,940.02
CAVAN-MILLBROOK-N.MONAGHAN PUC						\$ 734,016	\$ 757,379		1491395	0.006523401%	\$1,199.14
ERIN HEC						\$ 4,174,929	\$ 4,344,692		8519621	0.037265046%	\$6,850.11
FENELON FALLS BD OF LIGHT & POWER						\$ 1,775,114	\$ 1,775,114		3550228	0.015528791%	\$2,854.52
GEORGIAN BAY ENERGY INC. (Chatsworth HS & Owen Sound PUC)						\$ 18,953,570	\$ 19,278,841		38232411	0.167229571%	\$30,740.35

Appendix A

<u>LDC</u>	<u>1994</u>	<u>1995</u>	<u>1996</u>	<u>1997</u>	<u>1998</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>Total LDC Service Revenue</u>	<u>Share of each LDC as a %</u>	<u>Amount Owning by LDC</u>
KIRKFIELD HS						\$ 220,130	\$ 220,130		440260	0.001925709%	\$353.99
LINDSAY HEC						\$ 13,199,000	\$ 13,124,888		26323888	0.115141378%	\$21,165.43
OMEMEE HEC						\$ 952,092	\$ 974,605		1926697	0.008427423%	\$1,549.14
QUINTE WEST ELECTRIC DIST. CO. INC.						\$ 23,064,909	\$ 23,199,413		46264322	0.202361361%	\$37,198.32
SEVERN TWP. HEC (1437908 ONTARIO LTD.)						\$ 947,168	\$ 1,012,698		1959866	0.008572505%	\$1,575.81
STIRLING-RAWDON ELECTRICAL DIST. CORP.						\$ 1,270,849	\$ 1,305,636		2576485	0.011269613%	\$2,071.59
THOROLD HYDRO CORP.						\$ 14,516,100	\$ 14,717,830		29233930	0.127869978%	\$23,505.22
WHITCHURCH-STOUFFVILLE HEC						\$ 6,518,002	\$ 6,518,002		13036004	0.057019824%	\$10,481.46
WOODVILLE HES						\$ 511,727	\$ 532,156		1043883	0.004565872%	\$839.32
33 Hydro One Remote Communities										0.000000000%	\$0.00
34 Hydro Ottawa Ltd.						\$ 492,188,449	\$ 497,634,000	\$ 555,435,000	1267539949	5.544253059%	\$1,019,151.53
CASSELMAN HYDRO INC.						\$ 1,869,745	\$ 2,247,545		4117290	0.018009135%	\$3,310.46
35 Innisfil Hydro Distribution Systems Ltd.						\$ 16,071,658	\$ 16,646,336	\$ 17,851,573	41643780.5	0.182150991%	\$33,483.22
36 Kenora Hydro Electric Corp. Ltd.						\$ 8,009,484	\$ 8,036,090	\$ 8,508,767	20299957.5	0.088792548%	\$16,321.96
37 Kingston Electricity Distribution Ltd.142446 Ontario Ltd.						\$ 50,815,126	\$ 51,373,200	\$ 54,801,706	129589179	0.566826476%	\$104,194.75
38 Kitchener-Wilmot Hydro Inc.						\$ 132,389,803	\$ 133,446,201	\$ 145,752,598	338712303	1.481536518%	\$272,337.89
39 Lakefront Utilities Inc.						\$ 18,118,456	\$ 18,178,809	\$ 19,267,108	45930819	0.200902610%	\$36,930.17
40 Lakeland Power Dist. Ltd.						\$ 13,903,045	\$ 16,473,383	\$ 17,670,630	39211743	0.171513195%	\$31,527.77
41 London Hydro Utilities Services Inc.						\$ 227,959,973	\$ 227,741,005	\$ 227,750,000	569575978	2.491340301%	\$457,961.29
42 Middlesex						\$ 12,319,590	\$ 12,538,569	\$ 14,512,510	32114414	0.140469291%	\$25,821.24
NEWBURY POWER INC.						\$ 275,842	\$ 275,842	\$ 283,831	693599.5	0.003033822%	\$557.68
43 Midland Power Utility Corp.						\$ 15,234,248	\$ 15,899,287	\$ 16,849,200	39558135	0.173028322%	\$31,806.28
44 Milton Hydro Dist. Inc.						\$ 35,742,019	\$ 37,126,399	\$ 40,301,561	93019198.5	0.406868420%	\$74,791.06
45 Newmarket- Tay Power Distribution Ltd.									0	0.000000000%	\$0.00
TAY HYDRO ELECTRIC DISTRIBUTION CO. INC.						\$ 3,176,178	\$ 3,756,707	\$ 3,978,308	8922039	0.039025233%	\$7,173.67
NEWMARKET HYDRO LTD.						\$ 41,805,112	\$ 43,365,283	\$ 49,304,284	109822538.8	0.480366663%	\$88,301.60
46 Niagara on the Lake Hydro Inc.						\$ 11,710,073	\$ 12,262,419	\$ 13,842,228	30893606	0.135129445%	\$24,839.66
47 Niagara Peninsula Energy Inc. (Niagara Falls, PenWest)						\$ 56,431,364	\$ 57,159,876	\$ 61,985,370	144583925	0.632413889%	\$116,251.11
PENINSULA WEST UTILITIES LTD.						\$ 22,967,526	\$ 26,773,214	\$ 28,356,244	63918862	0.279582783%	\$51,393.26
48 Norfolk Power Distribution Co. Ltd.						\$ 26,751,763	\$ 28,310,654	\$ 29,083,038	69603636	0.304449446%	\$55,964.28
49 North Bay Hydro Distribution Ltd.						\$ 43,161,195	\$ 43,306,743	\$ 45,188,718	109062297	0.477041354%	\$87,690.34
50 Northern Ontario Wires Inc.						\$ 6,889,275	\$ 10,586,819	\$ 10,970,997	22961592.5	0.100434609%	\$18,462.02
KAPUSKASING PUC						\$ 3,697,544			3697544	0.016173155%	\$2,972.97
51 Oakville Hydro Electricity Distribution Inc.						\$ 129,257,000	\$ 131,673,000	\$ 119,844,000	320852000	1.403415083%	\$257,977.51
52 Orangeville Hydro Ltd.(Grand Valley)						\$ 15,471,375	\$ 16,480,009	\$ 17,896,125	40899446.5	0.178895254%	\$32,884.75
GRAND VALLEY ENERGY INC.						\$ 783,655	\$ 776,878	\$ 840,236	1980651	0.008663420%	\$1,592.52
53 Orillia Power Distribution Corp.						\$ 20,751,000	\$ 21,043,000	\$ 22,642,000	53115000	0.232326406%	\$42,706.53
54 Oshawa PUC Networks Inc.						\$ 84,119,662	\$ 85,010,531	\$ 90,240,000	214250193	0.937135977%	\$172,265.51
55 Ottawa River Power Corp						\$ 11,503,009	\$ 12,869,438	\$ 15,947,733	32346313.5	0.141483626%	\$26,007.70
KILLALOE HEC						\$ 491,044			491044	0.002147839%	\$384.82
MISSISSIPPI MILLS PUC						\$ 2,564,398			2564398	0.011216744%	\$2,061.88
56 Parry Sound Power Corp.						\$ 6,145,491	\$ 6,164,788	\$ 6,308,951	15464754.5	0.067643243%	\$12,434.27
57 Peterborough Distribution Inc.						\$ 47,700,067	\$ 52,480,650	\$ 57,742,526	129051980	0.564476753%	\$103,762.82
LAKEFIELD DIST. INC.						\$ 2,261,146	\$ 2,404,827	\$ 2,508,679	5920312.5	0.025895603%	\$4,760.16
ASPHODEL-NORWOOD DIST. INC.						\$ 950,701	\$ 950,701	\$ 994,013	2398408.5	0.010480702%	\$1,928.41
58 Powerstream Inc.									0	0.000000000%	\$0.00
RICHMOND HILL HYDRO INC.						\$ 68,628,176	\$ 71,857,762	\$ 79,859,067	180415471.5	0.789142015%	\$145,081.07
AURORA HYDRO CONNECTIONS LTD.						\$ 25,978,423	\$ 26,947,940	\$ 30,245,825	68,049,275	0.297649318%	\$54,714.27
HYDRO VAUGHAN DISTRIBUTION INC.						\$ 167,506,781	\$ 173,758,152	\$ 196,894,414	439,712,140	1.923312462%	\$353,545.70
MARKHAM HYDRO DISTRIBUTION INC.						\$ 129,946,387	\$ 134,796,000	\$ 152,863,000	341,173,887	1.492303552%	\$274,317.10
59 PUC Distribution Inc.										0.000000000%	\$0.00
60 Renfrew Hydro Inc.						\$ 7,095,368	\$ 7,144,775	\$ 7,527,979	18004130.5	0.078750540%	\$14,476.02
61 Rideau St. Lawrence Dist. Inc.						\$ 9,085,095	\$ 9,052,896	\$ 9,544,949	22910465.5	0.100210978%	\$18,420.91
62 Sioux Lookout Hydro Inc.						\$ 6,243,486	\$ 5,859,492	\$ 6,744,085	15475020.5	0.067688146%	\$12,442.52
63 St. Thomas Energy Inc.						\$ 25,525,724	\$ 26,408,283	\$ 27,232,887	66550450.5	0.286719394%	\$52,705.12
64 Thunder Bay Hydro Electricity Dist. Inc.						\$ 78,676,751	\$ 79,143,606	\$ 83,572,003	199606358.5	0.873083460%	\$160,491.29
65 Toronto Hydro-Electric S	\$753,288,234	\$744,553,612	\$724,520,201	\$721,743,898	\$1,852,812,000	\$1,877,651,730	\$1,900,029,000	\$2,062,179,000	\$9,605,688,175	42.01553%	\$7,723,347.72
66 Tillsonburg Hydro Inc.						\$ 14,569,289	\$ 14,793,988	\$ 15,846,081	37286317.5	0.163091333%	\$29,979.65
67 Veridian Connections Inc.						\$ 102,487,053	\$ 159,517,859	\$ 175,514,124	349761974	1.529868069%	\$281,222.26
1382154 ONTARIO LTD. [Brock HEC]						\$ 3,822,493			3822493	0.016719685%	\$3,073.43
BELLEVILLE ELECTRIC CORP.						\$ 36,601,351			36601351	0.160095271%	\$29,428.91
PORT HOPE HEC						\$ 13,850,711			13850711	0.060583374%	\$11,136.51
GRAVENHURST HYDRO ELECTRIC INC.						\$ 5,622,103	\$ 7,853,660	\$ 8,090,606	17521066	0.076637603%	\$14,087.62

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SCUGOG HYDRO ENERGY CORP.						\$ 3,393,309	\$ 3,429,935	\$ 3,566,164	8606326	0.037644296%	\$6,919.82
68 Wasaga Distribution Inc.						\$ 7,018,252	\$ 7,524,913	\$ 8,139,796	18613063	0.081414027%	\$14,965.63
69 Waterloo North Hydro Inc.						\$ 83,316,810	\$ 86,298,086	\$ 92,968,505	216099148.5	0.945223357%	\$173,752.14
70 Welland Hydro-Electric System Corp.						\$ 36,404,835	\$ 36,880,372	\$ 39,114,111	92842262.5	0.406094497%	\$74,648.80
71 Wellington North Power Inc.(Wellington)						\$ 5,482,619	\$ 5,682,162	\$ 6,364,834	14347198	0.062755021%	\$11,535.71
72 West Coast Huron Energy Inc.(Goderich Hydro)						\$ 9,177,997	\$ 8,268,144	\$ 10,996,384	22944333	0.100359116%	\$18,448.14
73 West Perth Power Inc.						\$ 3,994,511	\$ 4,267,606	\$ 4,687,447	10605840.5	0.046390225%	\$8,527.51
74 Westario Power Inc.						\$ 24,369,218	\$ 31,662,439	\$ 33,274,531	72668922.5	0.317855777%	\$58,428.65
MINTO HYDRO INC.						\$ 2,984,537			2984537	0.013054443%	\$2,399.68
WALKERTON PUC (including Elmwood HS)						\$ 3,693,200			3693200	0.016154154%	\$2,969.48
75 Whitby Hydro Electric Corp.						\$ 59,902,609	\$ 62,521,335	\$ 65,436,281	155142084.5	0.678595556%	\$124,740.28
76 Woodstock Hydro Services Inc.						\$ 28,322,519	\$ 28,483,803	\$ 30,247,440	71930042	0.314623895%	\$57,834.56
Municipalities - Utility Asset Purchases by Hydro One Networks Inc.											
77 AILSA CRAIG HS January 1 to November 30, 2000						\$ 532,700	\$ 472,190		1004890	0.004395415%	\$807.97
78 ARKONA HEC January 1 to December 19, 2000						\$ 214,931	\$ 212,659		427590	0.001870290%	\$343.80
79 ARNPRIOR HEC						\$ 9,496,911	\$ 9,315,190		18612101	0.082284624%	\$15,125.66
80 ARKAN-ELDERSLIE PUC						\$ 2,749,028	\$ 2,942,746		5691774	0.024895969%	\$4,576.41
81 ARTEMESIA TWP. HEC January 1 to April 28, 2000						\$ 620,794	\$ 214,288		835082	0.003652671%	\$671.44
82 BANCROFT PUC						\$ 2,629,603	\$ 2,702,701		5332304	0.023323638%	\$4,287.38
83 BATH HEC						\$ 724,119	\$ 763,173		1487292	0.006505454%	\$1,195.84
84 BLANDFORD-BLENHEIM PUC						\$ 1,469,068	\$ 1,466,341		2935409	0.012839556%	\$2,360.18
85 BLYTH HEC						\$ 927,509	\$ 962,911		1890420	0.008268747%	\$1,519.97
86 CARLETON PLACE HEC January 1 to August 29, 2000						\$ 5,052,545	\$ 3,370,441		8422986	0.036842362%	\$6,772.41
87 CENTRE HASTINGS HEC						\$ 1,131,028	\$ 1,155,999		2287027	0.010003516%	\$1,838.86
88 CHALK RIVER HEC January 1 to June 28, 2000						\$ 519,560	\$ 263,585		783145	0.003425497%	\$629.68
89 CHAMPLAIN TWP. PUC						\$ 2,340,050	\$ 2,405,180		4745230	0.020765761%	\$3,815.35
90 CLARENCE-ROCKLAND HEC						\$ 4,907,114	\$ 4,981,569		9888683	0.043253359%	\$7,950.89
91 COBDEN HS January 1 to June 29, 2000						\$ 571,785	\$ 302,074		873859	0.003822282%	\$702.62
92 DEEP RIVER HEC January 1 to December 14, 2000						\$ 3,297,080	\$ 2,991,126		6288206	0.027504778%	\$5,055.96
93 DESERONTO PUC						\$ 928,105	\$ 966,601		1914706	0.008374974%	\$1,539.50
94 DRYDEN HEC						\$ 4,868,591	\$ 4,858,978		9728589	0.042553017%	\$7,822.15
95 DUNDALK ENERGY SERVICES INC.						\$ 1,254,495	\$ 1,240,944		2495439	0.010915116%	\$2,006.43
96 DURHAM HEC January 1 to November 22, 2000						\$ 1,759,596	\$ 1,681,231		3440827	0.015050268%	\$2,766.56
97 EGANVILLE PUC						\$ 1,032,266	\$ 1,030,451		2062717	0.009022378%	\$1,658.50
98 EXETER HEC						\$ 3,718,766	\$ 3,709,397		7428163	0.032490980%	\$5,972.53
99 FOREST PUC						\$ 2,254,876	\$ 2,066,935		4341811	0.018991195%	\$3,490.99
100 GEORGINA HEC						\$ 2,313,857	\$ 2,391,672		4705529	0.020582108%	\$3,783.43
101 GLENCOE PUC						\$ 1,779,878	\$ 1,776,685		3556563	0.015556500%	\$2,859.62
102 GRAND BEND PUC January 1 to November 30, 2000						\$ 1,269,273	\$ 1,207,768		2477041	0.010834642%	\$1,991.64
103 HASTINGS PUC						\$ 842,027	\$ 819,410		1681437	0.007267169%	\$1,335.86
104 HAVELOCK-BELMONT-METHUEN HEC						\$ 792,981	\$ 804,516		1597497	0.006987494%	\$1,284.45
105 LANARK HIGHLANDS TWP. PUC						\$ 559,964	\$ 563,704		1123668	0.004914953%	\$903.47
106 LARDER LAKE HEC January 1 to January 14, 2001						\$ 628,078	\$ 654,913		1282991	0.005611836%	\$1,031.57
107 LATCHFORD HEC						\$ 256,215	\$ 263,876		520091	0.002274892%	\$418.17
108 LUCAN/GRANTON HEC						\$ 1,074,457	\$ 1,095,205		2169662	0.009490159%	\$1,744.49
109 MALAHIDE TWP. HEC January 1 to November 30, 2000						\$ 290,476	\$ 265,234		555710	0.002430690%	\$446.81
110 MAPLETON TWP. HEC						\$ 1,103,168	\$ 1,121,948		2225116	0.009732716%	\$1,789.08
111 MARKDALE HS						\$ 1,999,576	\$ 2,196,440		4196016	0.018353484%	\$3,373.76
112 MARMORA HEC						\$ 994,897	\$ 1,014,021		2008918	0.008787060%	\$1,615.25
113 McGARRY TWP. HS						\$ 423,013	\$ 413,567		836580	0.003659223%	\$672.64
114 MEAFORD PUC						\$ 2,487,893	\$ 2,544,821		5032714	0.022013223%	\$4,046.50
115 MIDDLESEX CENTRE TWP. HEC Jan.1 to November 27, 2000						\$ 445,359	\$ 400,372		845731	0.003699250%	\$680.00

Appendix A

<u>LDC</u>	<u>1994</u>	<u>1995</u>	<u>1996</u>	<u>1997</u>	<u>1998</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>Total LDC Service Revenue</u>	<u>Share of each LDC as a %</u>	<u>Amount Owning by LDC</u>
116 NAPANEE HEC						\$ 3,769,181	\$ 3,856,211		7625392	0.033353665%	\$6,131.11
117 NIPIGON TWP. HEC						\$ 1,729,377	\$ 1,774,318		3503695	0.015325254%	\$2,817.11
118 NORTH DORCHESTER TWP. PUC Jan.1 to December 21, 2000						\$ 937,165	\$ 921,774		1858939	0.008131048%	\$1,494.66
119 NORTH DUNDAS TWP. HEC						\$ 4,836,641	\$ 4,985,898		9822539	0.042964044%	\$7,897.70
120 NORTH GLENGARRY TWP. HEC						\$ 4,819,974	\$ 4,835,581		9655555	0.042233651%	\$7,763.44
121 NORTH GRENVILLE TWP. HEC						\$ 2,676,465	\$ 2,676,465		5352930	0.023413857%	\$4,303.96
122 NORTH PERTH UTILITY COMMISSION						\$ 5,735,379	\$ 6,125,295		11860674	0.051878900%	\$9,536.44
123 NORTH STORMONT TWP. HEC						\$ 461,975	\$ 466,612		928587	0.004061664%	\$746.82
124 PERTH EAST TWP. HEC						\$ 6,996,264	\$ 1,057,658		8053922	0.035228067%	\$6,475.67
125 PERTH PUC						\$ 1,045,897	\$ 7,107,916		8153813	0.035664992%	\$6,555.98
126 PRINCE EDWARD HYDRO INC.						\$ 5,094,640	\$ 5,253,744		10348384	0.045264104%	\$8,320.50
127 RAINY RIVER HYDRO INC.						\$ 722,535	\$ 722,622		1445157	0.006321155%	\$1,161.96
128 RAMARA TWP. HEC						\$ 259,301	\$ 256,649		515950	0.002256779%	\$414.84
129 RED ROCK TWP. HS						\$ 524,075	\$ 537,580		1061655	0.004643707%	\$853.61
130 RUSSELL HS January 1 to August 15, 2000						\$ 1,121,762	\$ 655,424		1777186	0.007773458%	\$1,428.93
131 S.B.P. ENERGY INC. [Warton HEC]						\$ 1,851,090	\$ 1,864,014		3715104	0.016249963%	\$2,987.09
132 SCHREIBER TWP. HEC						\$ 1,483,772	\$ 1,483,354		2947126	0.012890807%	\$2,369.60
133 SHELBURNE HEC January 1 to December 18, 2000						\$ 2,670,097	\$ 2,626,579		5296676	0.023167800%	\$4,258.73
134 SMITHS FALLS HEC						\$ 8,926,649	\$ 9,190,975		18117624	0.079246964%	\$14,567.28
135 SOUTH GLENGARRY TWP. PUC						\$ 722,722	\$ 723,344		1446066	0.006325131%	\$1,162.69
136 SOUTH RIVER PUC						\$ 668,424	\$ 710,970		1379394	0.006033506%	\$1,109.09
137 SPRINGWATER TWP. HEC						\$ 1,444,069	\$ 1,462,607		2906676	0.012713877%	\$2,337.08
138 TERRACE BAY SUPERIOR WIRES INC.						\$ 1,718,706	\$ 1,727,816	\$ 1,735,743	4314393.5	0.018871271%	\$3,468.94
139 THEDFORD HEC January 1 to December 11, 2000						\$ 583,180	\$ 521,981		1105161	0.004834003%	\$888.59
140 THESSALON HYDRO DISTRIBUTION CORP.						\$ 977,867	\$ 995,538		1973405	0.008631725%	\$1,586.69
141 THORNDAL HS						\$ 226,541	\$ 223,737		450278	0.001969528%	\$362.04
142 TWEED HEC						\$ 1,150,718	\$ 1,195,203		2345921	0.010261120%	\$1,886.21
143 WARDSVILLE HEC						\$ 199,315	\$ 199,315		398630	0.001743618%	\$320.51
144 WARKWORTH HS						\$ 505,027	\$ 506,598		1011625	0.004424874%	\$813.39
145 WEST ELGIN HEC						\$ 2,133,257	\$ 2,043,503		4176760	0.018269258%	\$3,358.28
146 WYOMING HEC January 1 to December 8, 2000						\$ 1,101,732	\$ 990,656		2092388	0.009152160%	\$1,682.36
Sub Total	\$ 753,288,234	\$ 744,553,612	\$ 724,520,201	\$ 721,743,898	\$ 1,852,812,000	\$ 7,081,467,617	\$ 7,227,037,341	\$ 7,513,616,461	22,862,231,133.50	100.000000000%	\$18,382,125.00

Total Settlement \$18,382,125.00

APPENDIX “B”

EB-2010-0295

Court File No. 94-CQ-50878

SUPERIOR COURT OF JUSTICE

THE HONOURABLE) THURSDAY, THE 22ND DAY
JUSTICE CUMMING) OF JULY, 2010.

BETWEEN:

TAMAR L. PICHETTE

Plaintiff

- and -

TORONTO HYDRO

Defendant



Proceeding under the *Class Proceedings Act, 1992*

AND

Court File No. 98-CV-158062

SUPERIOR COURT OF JUSTICE

BETWEEN:

JONATHAN GRIFFITHS

Plaintiff

- and -

TORONTO HYDRO-ELECTRIC COMMISSION

Defendant

Proceeding under the *Class Proceedings Act, 1992*

IMPLEMENTATION ORDER

THIS MOTION, made by the Plaintiffs for an order consolidating
two actions, certifying the consolidated action as a class proceeding, and

approving and implementing the settlement of the consolidated action, was heard on July 16, 2010 at the Court House, Toronto.

ON READING the affidavits of Jonathan Griffiths, Dorothy Fong, and Jennifer Teskey, the consent of Tamar Pichette, the minutes of settlement dated April 21, 2010, as amended, and the consents of United Way of Greater Toronto, and United Way/Centraide Ottawa, and the undertaking letter of United Way/Centraide Ottawa, filed, and on hearing the submissions of counsel for the Plaintiffs and the Defendant judgment having been reserved to this day for written reasons delivered,

Consolidation

1. **THIS COURT ORDERS** that Superior Court of Justice actions 98-CV-158062 and 94-CQ-50878 be consolidated and continued as action 98-CV-158062.

2. **THIS COURT ORDERS** that (a) Jonathan Griffiths be the Plaintiff in the consolidated action, and (b) the title of proceedings for the consolidated action be:

JONATHAN GRIFFITHS

Plaintiff

- and -

TORONTO HYDRO-ELECTRIC SYSTEM LIMITED

Defendant

Proceeding under the *Class Proceedings Act, 1992*

Certification

3. **THIS COURT ORDERS** that the consolidated action be maintained as a class proceeding on behalf of the following Plaintiff class (hereinafter referred to as the "Plaintiff Class"):

All persons who:

- (a) are, or were, customers of:
 - (i) Toronto Hydro at any time after April 1, 1981, or
 - (ii) any other local municipal electricity distribution company in Ontario at any time after April 1, 1981, and
- (b) paid any Late Payment Penalties to Toronto Hydro or any other local municipal electricity distribution company in Ontario after April 1, 1981.

with respect to the following claims:

- (a) \$500 million in restitutionary payments;
- (b) a declaration that Late Payment Penalties imposed by the Defendant Class offend s. 347 of the *Criminal Code*, are illegal and void, and need not be paid by the Plaintiff Class;
- (c) in the alternative, a declaration that Late Payment Penalties constitute penalties in law and are unenforceable;
- (d) an interim, interlocutory, and permanent injunction restraining the Defendant Class from imposing Late Payment Penalties;
- (e) an interim, interlocutory, and permanent injunction restraining the Defendant Class from terminating the supply of electricity to any member of the Class for failure to pay Late Payment Penalties;

- (f) pre-judgment interest as provided by law;
- (g) post-judgment interest as provided by law;
- (h) the costs of this action; and
- (i) such further and other relief as may seem just.

4. **THIS COURT ORDERS** that, subject to further order of the court, Jonathan Griffiths be and hereby is appointed as the representative Plaintiff on behalf of the Plaintiff Class and Fraser Milner Casgrain LLP and Theall Group LLP be and hereby are appointed as Counsel for the Plaintiff Class.

5. **THIS COURT ORDERS** that the consolidated action also be maintained as a class proceeding against the following defendant class (hereinafter referred to as the "Defendant Class"):

Toronto Hydro and all other local municipal electricity distribution companies (or their successor corporations) in Ontario which have charged Late Payment Penalties on overdue utility bills at any time after April 1, 1981.

For greater certainty, if a municipality sold the assets of a local municipal electricity distribution utility to Hydro One and the municipality retained liability for claims relating to late payment penalties, then the municipality is a member of the defendant class.

6. **THIS COURT ORDERS** that, subject to further order of the court, Toronto Hydro be and hereby is appointed as the representative defendant on behalf of the Defendant Class and Ogilvy Renault LLP be and hereby is appointed as Counsel for the Defendant Class.

7. **THIS COURT ORDERS** that the following issues are common issues:

(a) the Defendant Class Members' liability for restitution of late payment penalties received from the Plaintiff Class Members; and

(b) the aggregate quantum of monetary relief payable by each Defendant Class Member.

Notice to Plaintiff Class Members

8. **THIS COURT ORDERS** notice be provided to the Plaintiff Class by:

(a) the plaintiffs establishing a website known as *www.electricutilitylatepaymentpenaltyclassaction.com* and placing a copy of a notice substantially in the form attached hereto as Schedule "A" on the website and placing a copy of the minutes of settlement on the website;

(b) the defendant causing a notice substantially in the form attached hereto as Schedule "B" to be published as soon as possible twice in each of the *Toronto Star* and *The Globe and Mail*;

(c) the defendant causing a notice substantially in the form attached hereto as Schedule "C" to be published as soon as possible twice in each of the *Ottawa Citizen*, *Hamilton Spectator*, *Kitchener Waterloo Record*, *London Free Press*, *Windsor Star*, *Sudbury Star*, *Sault Star*, and the *Thunder Bay Chronicle Journal*; and

(d) the defendant causing a link to *www.electricutilitylatepaymentpenaltyclassaction.com* to be placed on the defendant's website.

Opt Outs by Plaintiff Class Members

9. **THIS COURT ORDERS** that a Plaintiff Class Member may opt out by delivering to the Theall Group LLP the Plaintiff Opt Out Coupon contained in Schedule "A" or some other legible, written, signed request to opt out containing substantially the same information as the Plaintiff Opt Out Coupon on or before the expiry of the 30th day after the date the first notice is published in *The Globe and Mail* under paragraph 8(b) above.

10. **THIS COURT ORDERS** that a Plaintiff Class Member may not opt out except in the manner and within the time provided in paragraph 9.

11. **THIS COURT ORDERS** that:

(a) within 44 days after the expiry of the deadline stated in paragraph 9, the Theall Group LLP serve on Toronto Hydro and file with the court, an affidavit listing the Plaintiff Class Members who have opted out; and

(b) if more than 10,000 members of the plaintiff class opt out then the defendant may, within 20 days after service of the affidavit mentioned in paragraph 11(a), elect to declare this settlement void by serving a notice in writing on class counsel, and filing a copy in the court

file with proof of service, in which case this order will be set aside in its entirety.

Notice to Defendant Class Members

12. **THIS COURT ORDERS** that notice of this settlement be provided to the Defendant Class by the Defendant forthwith sending to the last known addresses of the Defendant Class members (other than those which have filed Consents and Waivers of Opt Out Rights substantially in the form attached as Schedule E) by both registered and ordinary mail a notice substantially in the form attached hereto as Schedule "D" together with a copy of the minutes of settlement herein. (A list of all Defendant Class Members and their addresses is attached as Schedule "F").

Opt Outs by Defendant Class Members

13. **THIS COURT ORDERS** that a Member of the Defendant Class, other than Toronto Hydro and other than those which have filed Consents and Waivers of Opt Out Rights substantially in the form attached as Schedule E, may opt out of the class proceeding by:

(a) delivering to Ogilvy Renault LLP the Defendant Opt Out Coupon contained in Appendix 1 of Schedule "D", or some other legible, written, signed request to opt out containing substantially the same information as the Defendant Opt Out Coupon, on or before the expiry of the 60th day after the date the notice is mailed under paragraph 12 above; and

(b) providing notices substantially in the form attached as Appendix 2 of Schedule "D", by including copies of the notice with the bills to its current customers, and serving on Ogilvy Renault LLP and the Theall Group LLP and filing an affidavit of service substantially in the form attached as Appendix 3 of Schedule "D", in the court file on or before the expiry of the 60th day after the date Ogilvy Renault LLP received the Defendant Opt Out Coupon under paragraph 13(a) from the said Member of the Defendant Class. Where the Member of the Defendant Class wishing to opt out is a municipality which sold the assets of its electric utility and no longer renders bills to current electricity customers, then the notices shall be mailed to the ratepayers of the municipality with the current tax bills of the municipality and the affidavit of service shall be served on Ogilvy Renault LLP and the Theall Group LLP and filed in the court file no later than 7 months after the date Ogilvy Renault LLP received the Defendant Opt Out Coupon under paragraph 13(a) from the said Member of the Defendant Class.

14. **THIS COURT ORDERS** that the effective date of a Defendant Class Member's opting out, and the date on which the limitation period resumes running under s. 28(1)(a) of the *Class Proceedings Act*, shall be 180 days after filing the affidavit of service referred to in paragraph 13(b) in the court file.

15. **THIS COURT ORDERS** that Defendant Class Members may not opt out except in the manner and within the time provided in paragraphs 13 and 14. For greater certainty, Defendant Class Members which have filed with Ogilvy Renault LLP Consents and Waivers of Opt Out Rights substantially in the form attached as Schedule E may not opt out.

16. **THIS COURT ORDERS** that Ogilvy Renault LLP serve on the Plaintiff and file with the court, within 74 days after the date the notices are mailed under paragraph 12 above, an affidavit exhibiting a list of any Defendant Class Members who have provided timely opt out forms to Ogilvy Renault LLP under paragraph 13(a), including a list of the dates on which Ogilvy Renault LLP received the Defendant Opt Out Coupons.

Amounts of Judgments Against Consenting Defendant Class Members

17. **THIS COURT ORDERS AND ADJUDGES** that Toronto Hydro and Defendant Class Members which filed with Ogilvy Renault LLP Consents and Waivers of Opt Out Rights substantially in the form attached as Schedule E (hereinafter "Consenting Defendant Class Members") before the commencement of the hearing of the motion to consider approval of the settlement pursuant to s. 29 of the *Class Proceedings Act* (the "Fairness Hearing") pay the amounts stated in the right hand column of Schedule G, provided that:

- (a) liability is several, not joint and several;

(b) payments are due on June 30, 2011;

(c) the amounts stated in Schedule G shall bear post judgment interest from July 1, 2011 until the date of payment at the rate of 19.56% per annum; and

(d) if voluntarily paying the amounts stated in Schedule G, Toronto Hydro or a Consenting Defendant Class Member shall pay Ogilvy Renault LLP in trust by June 30, 2011. As soon as the funds have cleared Ogilvy Renault LLP shall pay the funds to Fraser Milner Casgrain LLP in trust. If the amount so paid to Fraser Milner Casgrain LLP is less than the full \$17,037,500 contemplated by paragraph 2 of the minutes of settlement herein, then Ogilvy Renault shall serve on Fraser Milner Casgrain LLP and file in the court file a list (hereinafter the "Default List") containing (i) the names of whichever of Toronto Hydro and the Consenting Defendant Class Members that failed to make the required payments and (ii) the amount of the required payments (including both the amounts which should have been paid pursuant the right hand column of Schedule G and any amounts which should have been paid pursuant to paragraph 17A) provided that such required payments, in aggregate, shall be equal to \$17,037,500 minus the amount actually paid by Ogilvy Renault LLP to Fraser Milner Casgrain LPP. The plaintiff may proceed to enforce payment, as provided by law, against the payors stated in Default List (severally not joint and severally) for the amounts

stated in Default List, plus post judgment interest and any costs payable under rule 60.19 or any court order, and the plaintiff shall pay the amounts so recovered to Fraser Milner Casgrain LLP in trust. After deducting the legal fees and disbursements approved by the court and applicable GST/HST, Fraser Milner Casgrain LLP shall pay the net proceeds of the amounts it received (including both the voluntary payments and any enforced payments) to the appropriate Administrator stated in Schedule H. If an appropriate Administrator is not stated in Schedule H, then the plaintiff shall bring a motion to the court for an order appointing an Administrator or otherwise giving directions for the distribution of the amount to, or for the benefit of, plaintiff class members.

Payments on behalf of Non-Consenting Defendant Class Members

17A. **THIS COURT ORDERS** that the representative defendant raise from Consenting Defendant Class Members any amounts stated in the right hand column of Schedule G regarding any Non-Consenting Defendant Class Members and paragraphs 17(b), (c) and (d) shall apply *mutatis mutandis*.

Amounts of Judgments Against Non-Consenting Defendant Class Members and Assignment to Representative Defendant

18. **THIS COURT ORDERS AND ADJUDGES** that each Defendant Class Member which did not deliver a Consent and Waiver of Opt Out Rights to Ogilvy Renault LLP substantially in the form attached as Schedule E (hereinafter "Non-Consenting Defendant Class Members")

before the commencement of the hearing of the motion to consider approval of the settlement pursuant to s. 29 of the *Class Proceedings Act* (the "Fairness Hearing"), and which does not opt out as provided in paragraph 13, shall pay the amounts stated in the right hand column of Schedule G, provided that:

- (a) liability is several, not joint and several;
- (b) payments are due on June 30, 2011;
- (c) the amounts stated in Schedule G shall bear post judgment interest from July 1, 2011 until the date of payment at the rate of 19.56% per annum; and
- (d) the amounts stated in Schedule G owing by Non-Consenting Defendant Class Members shall be, and hereby are, assigned to and vested in the representative defendant;
- (e) If a Non-Consenting Defendant Class Member does not pay the representative defendant voluntarily, then the representative defendant may enforce payment, as provided by law, of the amount stated in Schedule G and applicable post judgment interest plus any partial indemnity costs payable by rule 60.19 or by any subsequent court order.

Cy Pres Distribution of Net Proceeds through Low-income Energy Assistance Programs

19. **THIS COURT ORDERS** that:

(a) the net proceeds of the awards against Toronto Hydro and Defendant Class Members shall be distributed to or for the benefit of plaintiff class members by means of low-income energy assistance programs, as more particularly described in this order;

(b) a low-income energy assistance program means a program which provides emergency funding to low-income energy consumers based on need, as determined by the Administrator or affiliated registered charities or governmental agencies appointed by the Administrator, and includes the Winter Warmth Fund currently administered by the United Way of Greater Toronto and the Province of Ontario's Emergency Energy Fund;

(c) the United Way of Greater Toronto and United Way/Centraide Ottawa are hereby appointed as Administrators to administer low-income energy assistance programs in the territories of the corresponding defendant or Defendant Class Member as stated in Schedule H. The low-income energy assistance programs may be operated by the Administrators directly or may be operated by registered charities or governmental agencies (hereinafter "Intake Agencies") appointed by the Administrators from time to time for the various territories for which the Administrators are responsible. If no low-income energy assistance program satisfactory to the Administrators exists in a particular territory, then the appropriate Administrator shall create one;

(d) each Administrator shall invest the funds paid to it under this order until such funds are distributed through a low-income energy assistance program. The investment standards established by s. 27 of the *Trustee Act* R.S.O. 1990 c. T23 as amended shall apply *mutatis*

mutandis. An Administrator may commingle the funds with other monies held by it for the purpose of investment provided that separate accounting records shall be maintained of all dealings with the funds. If the Administrator has other sources of funding for the low-income energy assistance program, separate accounting records shall be maintained for the funds paid to it under this order and income thereon;

(e) each Administrator shall determine each year the amount of money to be allocated to the Intake Agencies for the low-income energy assistance programs in the various territories for which the Administrator is responsible. An Administrator's allocations shall not be limited to the income earned by the funds paid to it under this order, but rather the allocations may include the capital amounts paid to it under this order. However, the capital amount paid by a particular defendant or Defendant Class Member, and income thereon, shall be used for a low-income energy assistance program in the territory of the particular defendant or Defendant Class Member, or where Consenting Defendant Class Members pay on behalf of a Non-Consenting Class Member, in the territory of the Non-Consenting Class Member. If operators of the electric utilities in more than one territory amalgamate, or otherwise combine their utility operations, and operate in a new combined territory, the Administrator may combine the low-income energy assistance programs for the former territories into a low-income energy assistance program for the new combined territory.

(f) each Administrator shall provide brief annual reports, until the funds paid to it under this order and income thereon are exhausted,

to the defendant or Defendant Class Member for whose territory the Administrator is responsible, stating:

- (i) the opening annual balance of the funds being administered for the territory;
- (ii) the amounts spent for the territory for the year including, without limitation: (a) the aggregate payments to beneficiaries of the low-income energy assistance program, (b) the aggregate annual administration expenses of the Administrator, (c) the aggregate annual program costs incurred by the Intake Agency or Agencies for the territory, and (d) the aggregate expenses incurred by the Administrator to promote the low-income energy assistance program;
- (iii) the aggregate amount received for income on the funds being administered for the territory;
- (iv) the closing annual balance of the funds being administered for the territory;
- (v) the lifetime percentage of the funds being administered for the territory which have been used for administration expenses by the Administrator (i.e. the aggregate administration expenses for all years the funds have been administered \div ((the capital amount paid under this order for the territory) + (the aggregate income for the territory for all years the funds have been administered)));
- (vi) the annual percentage of funds distributed to the Intake Agency or Agencies for the territory used for program costs (i.e. the Intake Agency's program costs for the year \div the amount paid by the Administrator to the Intake Agency's program for the year) or if

the Administrator operates the program directly in a particular territory, the annual percentage of program costs incurred by the Administrator in the territory;

(vii) if the lifetime percentage of the funds being administered for the territory which have been used for the Administrator's administration expenses exceeds 10%, then an explanation why the administration expenses have been that high; and

(viii) if the annual percentage used for program costs for the territory exceeds 15%, then an explanation why the program costs have been that high.

(g) the defendant or Defendant Class Member to whom the Administrator reports shall perform a monitoring role and if (a) the lifetime percentage of the funds being administered for the territory which have been used for the Administrator's administration expenses exceeds 10%, or (b) the annual percentage used for program costs for the territory exceeds 15%, or (c) the defendant or Defendant Class Member has serious concerns about the administration of the funds paid under this order and income thereon, then it may bring a motion to the court for removal of the Administrator for the territory or for any other relief and the Court may grant such relief on such terms as the Court considers just in all the circumstances, including without limitation, any potential tax consequences for, or implications for the charitable registration status of, the departing Administrator. If an Administrator is removed the Court shall appoint a successor Administrator and provide for the transfer of funds to be administered under this Order from the departing Administrator to the successor Administrator. For greater

certainty, on any such motion the court has a discretion to award costs against the moving party if the court concludes the motion was unnecessary or unreasonable;

(g.1) An Administrator may apply to the Court to resign as Administrator for some or all of the territories for which it is responsible, and the Court may permit such resignation on such terms as the Court considers just in all the circumstances, including without limitation, any potential tax consequences for, or implications for the charitable registration status of, the resigning Administrator in which eventuality the Court shall appoint successor Administrator(s) and provide for the transfer of funds to be administered under this Order from the resigning Administrator to the successor Administrator(s);

(g.2) No Administrator has any right, standing, or obligation to pursue the Defendant or any Defendant Class Member to secure any payment(s) contemplated in this order;

(h) if a Defendant Class Member, or assignee, no longer operates an electric utility in a territory, it may make an agreement with the current operator of the electric utility in the territory to assign the monitoring role to the current operator. The assignor and assignee shall give written notice to the Administrator and thereafter the Administrator shall provide the annual reports required by this order to the assignee;

(i) Toronto Hydro shall continue to make annual contributions to the Winter Warmth Fund, or a similar low-income energy assistance program, not less \$100,000 per year, until the later of: (I) 5 years after this settlement, or (II) 2 years after Toronto Hydro gives written notice to

the United Way of Greater Toronto of its intention to reduce or eliminate such contributions;

(j) in the event there are any vacancies for Administrators in Schedules H at the date this order is made, the court may give directions regarding filling such vacancies prior to June 30, 2011 or may order that the relevant settlement proceeds be distributed to or for the benefit of plaintiff class members other than by means of a low-income energy assistance program, provided that in no event shall any settlement proceeds be returned to the Defendant or a Defendant Class Member; and

(k) the Administrator may deduct from the funds paid to it under this order the Administrator's reasonable legal expenses incurred in deciding whether to consent to serve as Administrator, and such legal expenses shall be deducted *pro rata* from the amounts for all territories for which the Administrator is responsible.

Release of Claims

20. **THIS COURT ORDERS** that upon payment by Toronto Hydro or a Defendant Class Member of the amount payable by it stated in Schedule G and any applicable post judgment interest, all claims by the Plaintiff Class Members who were customers of such utility and who do not opt out under paragraph 9, regarding allegedly excessive late payment penalties received by such utility at any time between April 1, 1981 and the date of this order shall be and hereby are irrevocably, fully, and finally released.

Settlement Approval

21. **THIS COURT ORDERS** that the settlement set out in the minutes of settlement dated April 21, 2010 be and hereby is approved.

Class Counsel Fees

22. **THIS COURT ORDERS** that:

(a) Class Counsel's fees regarding Toronto Hydro and the Consenting Defendant Class Members are hereby approved in the amount of \$4,812,500 plus applicable GST/HST;

(b) Class Counsel's disbursements regarding Toronto Hydro and the Consenting Defendant Class Members are hereby approved in an amount of up to \$50,000 plus applicable GST/HST. If the amount of Class Counsel's disbursements regarding Toronto Hydro and the Consenting Defendant Class Members is less than \$50,000 then the surplus shall be distributed *pro rata* among the Administrators listed in Schedule H for use in the low-income energy assistance programs; and

(c) in the event Class Counsel is required to enforce payment from the payors listed in the Default List referred to in paragraph 17(d), then Class Counsel shall also be entitled to 25% of all post judgment interest recovered plus all costs recovered under rule 60.19 or under any subsequent court order.

Jurisdiction of the court

23. **THIS COURT ORDERS** that the Honourable Justice Cumming, or his successor as case management judge for this action, shall continue to oversee the case, and may, if need be, amend this order

or make any case management order permitted by the *Class Proceedings Act* or the rules of court.



Joanne Nicora
Registrar, Superior Court of Justice

ENTERED AT / INSCRIT A TORONTO
ON / BOOK NO:
LE / DANS LE REGISTRE NO.:

JUL 23 2010

PER / PAR: **JSN**

Schedule A

(to implementation order - long form notice to Plaintiff Class)

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Notice under the Ontario *Class Proceedings Act*

**TO ALL CUSTOMERS OF
TORONTO HYDRO AND ALL
OTHER LOCAL MUNICIPAL
ELECTRICITY DISTRIBUTION
COMPANIES IN ONTARIO**

If you were a customer of Toronto Hydro or any other local municipal electricity distribution company ("LDC") in Ontario and paid late payment penalties at any time after April 1, 1981, this notice will be important to you. A settlement of the class action by Jonathan Griffiths and Tamar Pichette against Toronto Hydro representing itself and all other local municipal electricity distribution companies in Ontario, has been reached.

This notice is published by order of the Honourable Justice Cumming of the Ontario Superior Court of Justice and explains:

1. The lawsuit;
2. The description of the Plaintiff Class;
3. The description of the Defendant Class;
4. Your right to choose whether or not to be part of the case;
5. The settlement terms of the lawsuit; and
6. Other Matters .

1. THE LAWSUIT

Jonathan Griffiths of Toronto and Tamar Pichette, formerly of Toronto, each have sued Toronto Hydro for damages arising from allegedly excessive late payment penalties received by Toronto Hydro, at any time after April 1, 1981.

The lawsuits claimed \$564 million in compensatory damages from Toronto Hydro and all other local municipal electricity distribution companies in Ontario on behalf of their customers who paid late payment penalties at any time after April 1, 1981.

2. THE DESCRIPTION OF THE PLAINTIFF CLASS

The class of customers on whose behalf the lawsuit was brought consists of:

All persons who:

- (a) are, or were, customers of:
 - (i) Toronto Hydro at any time after April 1, 1981, or
 - (ii) any other local municipal electricity distribution company in Ontario at any time after April 1, 1981, and
- (b) paid any Late Payment Penalties to Toronto Hydro or any other local municipal electricity distribution company in Ontario after April 1, 1981.

3. THE DESCRIPTION OF THE DEFENDANT CLASS

The class of utilities against whom the lawsuit was brought consists of:

Toronto Hydro and all other local municipal electricity distribution companies (or their successor corporations) in Ontario which have charged Late Payment Penalties on overdue utility bills at any time after April 1, 1981.

For greater certainty, if a municipality sold the assets of a local municipal electricity distribution utility to Hydro One and the municipality retained liability for claims relating to late payment penalties, then the municipality is a member of the defendant class.

4. YOUR RIGHT TO CHOOSE WHETHER OR NOT TO BE PART OF THE CASE.

- (a) *How to be included in the class.*

If you fall within the Plaintiff Class definition stated above, then you will automatically be included in the class unless you opt out of the class.

- (b) *How to be excluded from the class re claims*

To opt out of the plaintiff class regarding claims against the defendant class you must fill out the coupon below and send it to Theall Group LLP, one of the lawyers for the plaintiff class. The deadline for opting out is [30 days after notice], 2010. If your written request to opt out is not received by that date you will remain a member of the plaintiff class. If you opt out you would be entitled to start your own individual lawsuit.

5. THE SETTLEMENT TERMS OF THE LAWSUIT

The settlement provides for a payment of \$17,037,500 comprised of \$16,250,000 for claim and pre-judgment interest, \$750,000 for partial indemnity costs and \$37,500 for GST on such costs from Toronto Hydro, and all participating LDCs (or their successor corporations) in Ontario.

After deduction of court approved legal fees and disbursements, determined by the court to be \$4,862,500 and all applicable GST/HST the balance of the \$17,037,500 will be distributed to, or for the benefit of, the plaintiff class by means of low-income energy assistance programs in the service areas of the defendant class members. For example, in Toronto the share of the settlement contributed by Toronto Hydro will be distributed through the Winter Warmth Fund, a program administered by the United Way of Greater Toronto.

The settlement provides that Plaintiff Class Members may opt out of this lawsuit and sue their utility separately, or not sue at all. If more than 10,000 Plaintiff Class Members opt out, then the defendant will have the option of cancelling the entire settlement.

6. OTHER MATTERS

The plaintiffs retained the law firms of Theall Group LLP and Fraser Milner Casgrain LLP, to represent them and the class in the lawsuit, on the basis the law firms would be paid legal fees only if the lawsuit were successful. The lawsuit has now been successful and the court has determined the plaintiffs' lawyers' legal fees and disbursements will be \$4,862,500 plus GST/HST.

The court papers in this lawsuit are available for inspection at the office of the Superior Court of Justice, Court House, 361 University Ave., Toronto, Ontario, court file numbers 98-CV-158062 and 94-CQ-50878.

For further information you may contact one of the lawyers for the Plaintiff Class:

THEALL GROUP LLP
Barristers and Solicitors
Suite 1410
4 King Street West
Toronto, Ontario
M5H 1B6

Dorothy Fong
Tel: (416) 304-0115
email: dfong@theallgroup.com

Please DO NOT CALL Justice Cumming or the registrar of the court. They will not be able to answer your questions about the case.

_____, 2010

PLAINTIFF OPT OUT COUPON

To:

THEALL GROUP LLP
Barristers and Solicitors
Suite 1410
4 King Street West
Toronto, Ontario
M5H 1B6

Dorothy Fong
Tel: (416) 304-0115
Fax: (416) 304-1395

I wish to opt out of the *Griffiths v. Toronto Hydro-Electric System Limited* class action.

Signature

Name:

please print

Address:

Postal code:

Telephone:

Note: To opt out this coupon must be completed and received at the above address before [30 days after notice] 2010.

Schedule B

(to implementation order - short form notice to the Plaintiff Class in the Toronto area)

Notice of Settlement of Class Action against Toronto Hydro and other Local Municipal Electricity Distribution Companies regarding Late Payment Penalties

On _____ 2010, the Ontario Superior Court of Justice approved a \$17,037,500 settlement of a class action regarding late payment penalties charged by Toronto Hydro and all other local municipal electricity distribution companies in Ontario at any time after April 1, 1981. The court also permitted Plaintiff Class members to opt out of the lawsuit by filing an opt out coupon by _____ 2010. Class members who do not opt out will be precluded from suing Toronto Hydro or any other local municipal electricity distribution company in Ontario individually regarding the subject late payment penalties.

You may obtain more information by visiting www.electricutilitylatepaymentpenaltyclassaction.com or by contacting Theall Group LLP at 416-304-0115 attn: Dorothy Fong (email: dfong@theallgroup.com).

Schedule C

(to implementation order - short form notice to the Plaintiff Class outside
Toronto area)

**Notice of Settlement of Class Action against all Local Municipal
Electricity Distribution Companies regarding Late Payment
Penalties**

On _____ 2010, the Ontario Superior Court of Justice approved a \$17,037,500 settlement of a class action regarding late payment penalties charged by Toronto Hydro and all other local municipal electricity distribution companies in Ontario at any time after April 1, 1981. The court also permitted Plaintiff Class members to opt out of the lawsuit by filing an opt out coupon by _____ 2010. Class members who do not opt out will be precluded from suing Toronto Hydro or any other local municipal electricity distribution company in Ontario individually regarding the subject late payment penalties.

You may obtain more information by visiting www.electricitylatepaymentpenaltyclassaction.com or by contacting Theall Group LLP at 416-304-0115 attn: Dorothy Fong (email: dfong@theallgroup.com).

Schedule D

(to implementation order - notice to Defendant Class)

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Notice under the Ontario *Class Proceedings Act*

**TO ALL LOCAL MUNICIPAL
ELECTRICITY DISTRIBUTION
COMPANIES IN ONTARIO AND
THEIR SUCCESSORS**

If your company is a local municipal electricity distribution company ("LDC") in Ontario (or the successor to an LDC) which charged late payment penalties at any time after April 1, 1981, this notice will be important to you. The court has approved the settlement of the class action against Toronto Hydro representing itself and all other LDCs in Ontario.

This notice is provided by order of the Honourable Justice Cumming of the Ontario Superior Court of Justice and explains:

1. The lawsuit;
2. The description of the Plaintiff Class;
3. The description of the Defendant Class;
4. The settlement terms of the lawsuit; and
5. How individual LDCs (or their successor corporations) may opt out of the Defendant Class
6. Financial consequences for the Defendant Class;
7. Other matters.

1. THE LAWSUIT

Jonathan Griffiths of Toronto and Tamar Pichette, formerly of Toronto, have sued Toronto Hydro representing itself and all other LDCs in Ontario for damages arising from allegedly excessive late payment penalties received by them, at any time after April 1, 1981.

The lawsuits claimed \$564 million in compensatory damages from Toronto Hydro and all other LDCs in Ontario on behalf of their customers who paid late payment penalties at any time after April 1, 1981.

Mr. Griffiths' and Ms. Pichette's two actions were consolidated into a single action by the court.

2. THE DESCRIPTION OF THE PLAINTIFF CLASS

The class of customers on whose behalf the lawsuit was brought consists of:

All persons who:

- (a) are, or were, customers of:
 - (i) Toronto Hydro at any time after April 1, 1981, or
 - (ii) any other local municipal electricity distribution company in Ontario at any time after April 1, 1981, and
- (b) paid any Late Payment Penalties to Toronto Hydro or any other local municipal electricity distribution company in Ontario after April 1, 1981.

3. THE DESCRIPTION OF THE DEFENDANT CLASS

The class of utilities against whom the lawsuit was brought consists of:

Toronto Hydro and all other local municipal electricity distribution companies (or their successor corporations) in Ontario which have charged Late Payment Penalties on overdue utility bills at any time after April 1, 1981.

For greater certainty, if a municipality sold the assets of a local municipal electricity distribution utility to Hydro One and the municipality retained liability for claims relating to late payment penalties, then the municipality is a member of the defendant class.

4. THE SETTLEMENT TERMS OF THE LAWSUIT

The settlement provides for a payment of \$17,037,500 comprised of \$16,250,000 for claim and pre-judgment interest, \$750,000 for partial indemnity costs and \$37,500 for GST on such costs from Toronto Hydro, and all participating LDCs (or their successor corporations) in Ontario.

Toronto Hydro and 78 [update number] LDCs have consented to pay total of \$17,037,500 to settle this class action. LDCs which have not consented to contribute to the settlement, and which do not opt out, will have judgment issued against them for a *pro rata* share of \$17,037,500 based on service revenue. The said amount would be payable by June 30, 2011, and post judgment interest at the rate of 19.56% per year would be added after that date.

A full description of the settlement, including the amount of each LDC's share of the settlement, is contained in the implementation order dated _____ 2010 enclosed with this notice.

5. HOW INDIVIDUAL LDCs (OR THEIR SUCCESSOR CORPORATIONS) MAY OPT OUT OF THE DEFENDANT CLASS

(a) How to be Included in the Defendant Class.

The individual LDCs (or their successor corporations) will automatically be included in the Defendant Class unless they opt out of the Defendant Class in the manner and within the time stated in this notice.

(b) How to be Excluded from the Defendant Class.

To opt out of the Defendant Class an LDC (or its successor corporation) must follow a three step process:

1. It must file the Defendant Class Opt Out Coupon (see Appendix 1 to this Schedule) not later than ____ [insert date 60 days after notices mailed to Defendant Class] ____ 2010 with Ogilvy Renault, Suite 3800, Royal Bank Plaza, South Tower, 200 Bay St., P.O. Box 84, Toronto, Ontario, M5J 2Z4, Attn: Jennifer Teskey.
2. It must provide notice to the Plaintiff Class members who are its customers by mailing copies of notices (see Appendix 2 to this Schedule) with the bills to its current customers within 60 days after the date it filed the Defendant Class Opt Out Coupon with Ogilvy Renault. (Special notice provisions apply to Members of the Defendant Class which are municipalities that no longer render bills to current electricity customers – see paragraph 13(b) of the implementation order dated _____ 2010 enclosed with this notice.)

3. It must file an affidavit of service (see Appendix 3 to this Schedule) in the court file within 60 days after the date it filed the Defendant Class Opt Out Coupon with Ogilvy Renault.

The effective date of the opt out, and the date on which the limitation period on the claims asserted in the lawsuit resumes running, is 180 days after the affidavit of service is filed in the court file.

A Member of the Defendant Class which has filed a Consent and Waiver of Opt Out Rights may not opt out.

For full details of the opt out procedure see paragraphs 13-16 of the implementation order dated _____ 2010 enclosed with this notice.

6. FINANCIAL CONSEQUENCES FOR THE DEFENDANT CLASS

LDCs which have consented to the settlement will pay the amounts they agreed to pay.

An LDC which has not consented to this settlement, and which does not opt out, will be required to pay a share of \$17,037,500 as described above.

An LDC which has not consented to this settlement, and which does opt out, will not be required to pay anything in this lawsuit. However it may be sued in a separate individual or class action. In that event it may be required to pay the full amount of illegal late payment penalties it received, plus prejudgment interest and costs, without the discounts provided by the settlement described above.

7. OTHER MATTERS

Further information about the class action can be obtained by contacting Counsel for the Defendant Class: Ogilvy Renault, Suite 3800, Royal Bank Plaza, South Tower, 200 Bay St., P.O. Box 84, Toronto, Ontario, M5J 2Z4, Attn: Jennifer Teskey.

The court papers in this case are available for inspection at the office of the Superior Court of Justice, Court House, 361 University Ave., Toronto, court file numbers 98-CV-158062 and 94-CQ-50878.

Please DO NOT CALL Justice Cumming or the registrar of the court. They will not be able to answer your questions about the case.

_____, 2010

Schedule D - Appendix 1

(to implementation order - Defendant Class opt out coupon)

DEFENDANT OPT OUT COUPON

To: Ogilvy Renault,
Suite 3800,
Royal Bank Plaza, South Tower,
200 Bay St.,
P.O. Box 84,
Toronto, Ontario,
M5J 2Z4,

Attn: Jennifer Teskey.

We wish to opt out of the Defendant Class in the *Griffiths v. Toronto Hydro-Electric System Limited* class action.

Authorized Signing Officer

Name of Utility:

please print

Address:

Postal code:

Telephone:

Note: To opt out of the Defendant Class this coupon must be completed and received at the above address before [60 days after mailed notice], 2010. In addition, the utility must provide notice to the class and file an affidavit of service, as described in the above notice.

Schedule D - Appendix 2

(to implementation order - mail notice to Plaintiff Class members who are customers of an opting out Defendant Class member)

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Notice published under the Ontario *Class Proceedings Act*

TO ALL CUSTOMERS OF [*name of utility*]

If you were a customer of [*name of utility, including any predecessor local municipal electricity distribution companies*] and paid late payment penalties at any time after April 1, 1981, this notice will be important to you. You may be entitled to compensation.

This notice is published by order of the Honourable Justice Cumming of the Ontario Superior Court of Justice and explains:

1. The lawsuit;
2. Your right to claim damages from [*name of utility*]; and
3. How you can obtain more information.

1. The lawsuit

Jonathan Griffiths of Toronto and Tamar Pichette, formerly of Toronto, each have sued Toronto Hydro for damages arising from allegedly excessive late payment penalties received by Toronto Hydro and other local municipal electricity distribution companies in Ontario, at any time after April 1, 1981.

The lawsuit, known as *Griffiths v. Toronto Hydro*, claimed \$564 million in compensatory damages from Toronto Hydro and from all other local municipal electricity distribution companies in Ontario on behalf of their customers who paid late payment penalties at any time after April 1, 1981.

Toronto Hydro and 78 [*update number*] other local municipal electricity distribution companies have agreed to pay a total of \$17,037,500 to settle this class action.

However, [name of utility] has decided to opt out of the *Griffiths v. Toronto Hydro* lawsuit. That means that you and other customers of [name of utility] who paid excessive late payment penalties will not receive any direct or indirect benefit from that lawsuit.

2. Your right to claim damages from [name of utility];

You have the right to claim damages from [name of utility] in an action on your own behalf or in a separate class action lawsuit against [name of utility]. Section 347 of Canada's *Criminal Code* prohibits charging interest at a rate over 60% per year. The Supreme Court of Canada has stated that a 5% late payment penalty, of the sort formerly charged by most local municipal electricity distribution companies in Ontario, is equivalent to an annual interest rate over 60% if the bill is paid within 38 days.

You, or any other customer of [name of utility], who paid a late payment penalty equivalent to an annual interest rate over 60% is entitled to start an individual action or a class action against [name of utility] on behalf of **all** customers of [name of utility including any predecessor local municipal electricity distribution companies] who paid such penalties.

If you wish to commence a class action against [name of utility], it is possible to retain lawyers on a contingent fee basis, so that you would not have to pay their legal fees personally. It is also possible to obtain funding from the Ontario Class Proceedings Fund which would protect you from any costs awards against you, and which would pay for out of pocket expenses such as court filing fees, transcripts, etc.

If no customer of [name of utility] starts an action, then [name of utility] will not have to repay any of the penalties it collected.

3. How you can obtain more information.

If you wish to obtain more information about your rights, and/or if you are interested in starting a class action against [name of utility] to obtain compensation, you may contact one of the lawyers for the Plaintiff Class:

THEALL GROUP LLP
Barristers and Solicitors
Suite 1410
4 King Street West
Toronto, Ontario

M5H 1B6

Dorothy Fong
Tel: (416) 304-0115
email: dfong@theallgroup.com

The court papers in this lawsuit are available for inspection at the office of the Superior Court of Justice, Court House, 361 University Ave., Toronto, Ontario, court file numbers 98-CV-158062 and 94-CQ-50878.

Please DO NOT CALL Justice Cumming or the registrar of the court. They will not be able to answer your questions about the case.

_____, 2010

Schedule D - Appendix 3
(to implementation order - affidavit of service on Plaintiff Class members)

Court File No. 98-CV-158062

ONTARIO
SUPERIOR COURT OF JUSTICE

BETWEEN:

JONATHAN GRIFFITHS

Plaintiff

- and -

TORONTO HYDRO-ELECTRIC SYSTEM LIMITED

Defendant

Proceeding under the *Class Proceedings Act, 1992*

AFFIDAVIT OF SERVICE

(Filed on behalf of [name of utility])

I, _____, of the _____ of _____ in the
of _____, MAKE OATH AND SAY:

1. I am the _____ of [name of utility] [if applicable add:
which is the successor corporation to [name of utility]] and as such have
knowledge of the matters to which I hereinafter depose.

2. On or about _____ 2010 [name of utility] filed a
Defendant Opt Out Coupon with Ogilvy Renault LLP. A copy of the
Defendant Opt Out Coupon is attached as Exhibit A to this affidavit.

3. Starting on _____ 2010 and ending on _____ 2010
[*name of utility*] included notices, a copy of which is attached as Exhibit B
to this affidavit, with its bills to all of its approximately _____
current customers.

4. As of the date of this affidavit, approximately ____ of the
notices have been returned as undeliverable.

SWORN BEFORE ME at the)
of _____ in the)
of _____, this)
day of _____ 2010.)
_____)
[*name of deponent*]

A Commissioner etc.

Schedule E

(to implementation order - Consent and Waiver of Opt Out Rights)

Court File No. 94-CQ-50878

SUPERIOR COURT OF JUSTICE

BETWEEN:

TAMAR L. PICHETTE

Plaintiff

- and -

TORONTO HYDRO

Defendant

Proceeding under the *Class Proceedings Act, 1992*

AND

Court File No. 98-CV-158062

SUPERIOR COURT OF JUSTICE

BETWEEN:

JONATHAN GRIFFITHS

Plaintiff

- and -

TORONTO HYDRO-ELECTRIC COMMISSION

Defendant

Proceeding under the *Class Proceedings Act, 1992*

Consent and Waiver of Opt Out Rights

_____ hereby:
(insert name of utility)

1. consents to pay \$_____ to settle the claims against it by its customers who are members of the plaintiff class;

2. consents to a settlement substantially in the form contained in the Minutes of Settlement attached to the plaintiffs' Offer to Settle dated March 1, 2010 or as amended with the agreement of the defendant provided that no such amendment may, without the consent of _____

_____ *(insert name of Utility)*
affect the amount to be paid by it as set out above or the release in its favour upon payment;

3. waives its right to opt out of the Defendant Class referred to in the Minutes of Settlement attached to the plaintiffs' Offer to Settle dated March 1, 2010; and

4. acknowledges that the proposed settlement is subject to approval of the Ontario Superior Court of Justice and that if the court does not approve a settlement substantially in the form contained in the Minutes of Settlement attached to the plaintiffs' Offer to Settle dated March 1, 2010, or as amended in accordance with paragraph 2 above, then this Consent and Waiver of Opt Out Rights shall be null and void.

Executed at _____ this ____ day of _____ 2010.

Authorized Signing Officer

Schedule F

(to implementation order - list of Defendant Class Members)

Name	Address
Asphodel-Norwood Distribution Incorporated c/o Peterborough Utilities Services Inc.	1867 Ashburnham Drive P.O. Box 4125, Station Main Peterborough, ON K0J 6Z5
Atitkokan Hydro Inc.	117 Gorrie Street, P.O. Box 1480 Atikokan, ON P0T 1C0
Aurora Hydro Connections Limited c/o Powerstream Inc.	161 Cityview Blvd. Vaughan, ON L4H 0A9
Barrie Hydro Distribution Inc. c/o Powerstream Inc.	161 Cityview Blvd. Vaughan, ON L4H 0A9
Belleville Electric Corp. c/o Veridan Connections Inc.	55 Taunton Road East Ajax, ON L1T 3V3
Bluewater Power Distribution Corporation	855 Confederation Street Sarnia, ON N7T 7L6
Blue Mountains Energy Services, The c/o Collus Power Corp.	Box 189 43 Stewart Road Collingwood, ON L9Y 3Z5
Bobcaygeon Hydro Inc. c/o Hydro One Networks Inc.	483 Bay Street North Tower, 15 th Floor Toronto, ON M5G 2P5
Bradford-West Gwilliambury c/o Powerstream Inc.	161 Cityview Blvd. Vaughan, ON L4H 0A9
Brant County Power	65 Dundas Street East Paris, ON N3L 3H1
Brantford Power Inc.	84 Market Street P. O. Box 308

Name	Address
	Brantford, ON N3T 5N8
Brighton Distribution Inc. c/o Hydro One Networks Inc.	483 Bay Street North Tower, 15 th Floor Toronto, ON M5G 2P5
Brockville Utilities Inc. c/o Hydro One Networks Inc.	483 Bay Street North Tower, 15 th Floor Toronto, ON M5G 2P5
Brussels PUC c/o Festival Hydro Inc.	P.O.Box 397 187 Erie Street Stratford, ON N5A 6T5
Burlington Hydro Inc.	1340 Brant Street Burlington, ON L7R 3Z7
Caledon Hydro Corporation c/o Hydro One Networks Inc.	483 Bay Street North Tower, 15 th Floor Toronto, ON M5G 2P5
Cambridge and North Dumfries Hydro Inc.	1500 Bishop Street P.O. Box 1060 Cambridge, ON N1R 5X6
Campbellford/Seymour Electric Distribution Inc. c/o Hydro One Networks Inc.	483 Bay Street North Tower, 15 th Floor Toronto, ON M5G 2P5
Canadian Niagara Power Inc.	1130 Batic Street P.O. Box 1218 Fort Erie, ON L2A 5Y2
Casselman Hydro Inc. c/o Hydro Ottawa Limited	3025 Albion Rd. N. P.O. Box 8700 Ottawa, ON K1G 3S4
Cavan-Millbrook-N. Monaghan PUC c/o Hydro One Networks Inc.	483 Bay Street North Tower, 15 th Floor Toronto, ON M5G 2P5
Centre Wellington Hydro Ltd.	730 Gartshore Street

Name	Address
	P.O. Box 217 Fergus, ON N1M 2W8
Chapleau Public Utilities Corp.	110 Lorne Street South P.O. Box 670 Chapleau, ON POM 1K0
Chatham-Kent Hydro Inc.	320 Queen St. Chatham, ON N7M 5K2
Clearwater TWP. HEC c/o Collus Power Corp.	Box 189 43 Stewart Road Collingwood, ON L9Y 3Z5
Clinton Power Corp.	PO Box 520 Clinton, ON N0M 1L0
COLLUS Power Corp.	Box 189 43 Stewart Road Collingwood, ON L9Y 3Z5
Cooperative Hydro Embrun Inc.	821 Notre-Dame Street Suite 200 Embrun, ON K0A 1W1
Dashwood PUC c/o Festival Hydro Inc.	P.O.Box 397 187 Erie Street Stratford, ON N5A 6T5
Dutton Hydro Inc.	199 Main Street Dutton, ON N0L 1J0
E.L.K. Energy Inc.	172 Forest Avenue Essex, ON N8M 3E4
Enersource Hydro Mississauga Inc.	3240 Mavis Road Mississauga, ON L5C 3K1
EnWin Utilities Ltd.	787 Ouellette Avenue P.O. Box 1625, Station "A" Windsor, ON

Name	Address
Erie Thames Powerlines Corporation	P.O. Box 157 Ingersoll, ON N5C 3K5
Erin Hydro Corporation c/o Hydro One Networks Inc.	483 Bay Street North Tower, 15 th Floor Toronto, ON M5G 2P5
Espanola Regional Hydro Distribution Corporation	598 Second Avenue Espanola, ON P5E 1C4
Essa Twp. HEC c/o Powerstream Inc.	161 Cityview Blvd. Vaughan, ON L4H 0A9
Essex Powerlines Corporation	360 Fairview Avenue West Suite 218 Essex, ON N8M 3G4
Fenelon Falls Hydro Inc. c/o Hydro One Networks Inc.	483 Bay Street North Tower, 15 th Floor Toronto, ON M5G 2P5
Festival Hydro Inc.	P.O.Box 397 187 Erie Street Stratford, ON N5A 6T5
Fort Albany First Nation	P.O. Box 1 Fort Albany, ON P0L 1H0
Fort Albany Power Corporation	P.O. Box 1 Fort Albany, ON P0L 1H0
Fort Frances Power Corp.	320 Portage Avenue Fort Frances, ON P9A 3P9
Georgian Bay Energy Inc. (Chatsworth HS & Owen Sound PUC) c/o Hydro One Networks Inc.	483 Bay Street North Tower, 15 th Floor Toronto, ON M5G 2P5
Grand Valley Energy Inc. c/o Orangeville Hydro Limited	400 C Line P.O. Box 400, Stn A Orangeville, ON L9W 2Z7

Name	Address
Gravenhurst Hydro Electric Inc. c/o Veridan Connections Inc.	55 Taunton Road East Ajax, ON L1T 3V3
Greater Sudbury Hydro Inc.	500 Regent Street P.O. Box 250 Sudbury, ON P3E 4P1
Grimsby Power Inc.	231 Roberts Road Grimsby, ON L3M 5N2
Guelph Hydro Electric Systems Inc.	395 Southgate Drive Guelph, ON N1G 4Y1
Haldimand County Hydro Inc.	1 Greendale Drive Caledonia, ON N3W 2J3
Halton Hills Hydro	43 Alice Street Acton, ON L7J 1Y9
Hamilton Hydro Inc.	55 John Street North Hamilton, ON L8N 3E4
Hearst Power Distribution Co. Ltd.	925 Alexandra Street P.O. Bag 5000 Hearst, ON POL 1N0
Hensall PUC c/o Festival Hydro Inc.	P.O.Box 397 187 Erie Street Stratford, ON N5A 6T5
Horizon Utilities Corporation	55 John Street North P.O. Box 2249 Stn LCD1 Hamilton, ON L8N 3E4
Hydro 2000 Inc.	265 rue St.-Philippe Street, C.P./P.O. Box 370 Alfred, ON K0B 1A0
Hydro Hawkesbury Inc.	850 Tupper Street Hawkesbury, ON K6A 3S7

Name	Address
Hydro One Brampton Networks Inc.	175 Sandalwood Pkwy West Brampton, ON L7A 1E8
Hydro One Networks Inc.	483 Bay Street North Tower, 15 th Floor Toronto, ON M5G 2P5
Hydro One Remote Communities Inc.	483 Bay Street Toronto, ON M5G 2P5
Hydro Ottawa Limited	3025 Albion Rd. N. P.O. Box 8700 Ottawa, ON K1G 3S4
Hydro Vaughan Distribution Inc. c/o Powerstream Inc.	161 Cityview Blvd. Vaughan, ON L4H 0A9
Innisfil Hydro Distribution Systems Ltd.	2073 Commerce Park Drive Innisfil, ON L9S 4A2
Kapuskwaskung PUC c/o Northern Ontario Wires Inc.	153 Sixth Ave. P.O. Box 640 Cochrane, ON P0L 1C0
Kashechewan First Nation	P.O. Box 240 Kashechewan, ON P0L 1S0
Kashechewan Power Corporation	P.O. Box 229 Kashechewan, ON P0L 1S0
Kenora Hydro Electric Corporation Ltd.	Box 2680 215 Mellick Avenue Kenora, ON P9N 3C6
Killaloe HEC c/o Ottawa River Power Corporation	283 Pembroke St. W. Pembroke, ON K8A 6Y6
Kingston Hydro Corporation	P.O. Box 790 Kingston, ON K7L 4X7
Kirkfield Hydro Inc.	483 Bay Street North Tower, 15 th Floor

Name	Address
c/o Hydro One Networks Inc.	Toronto, ON M5G 2P5
Kitchener-Wilmot Hydro Inc.	P.O. 9010 301 Victoria St. South Kitchener, ON N2G 4L9
Lakefield Distribution Incorporated c/o Peterborough Utilities Services Inc.	1867 Ashburnham Drive P.O. Box 4125, Station Main Peterborough, ON K9J 6Z5
Lakefront Utilities Inc.	207 Division St. P.O. Box 577 Cobourg, ON K9A 4L3
Lakeland Power Distribution Ltd.	5-45 Cairns Crescent Huntsville, ON P1H 2M2
Lindsay Hydro Inc. c/o Hydro One Networks Inc.	483 Bay Street North Tower, 15 th Floor Toronto, ON M5G 2P5
London Hydro Inc.	P.O. Box 2700 111 Horton Street London, ON N6A 4H6
Markham Hydro Distribution Inc. c/o Powerstream Inc.	161 Cityview Blvd. Vaughan, ON L4H 0A9
Middlesex Power Distribution	351 Frances St. Strathroy, ON N7G 2L7
Midland Power Utility Corporation	16984 Highway #12 P.O. Box 820 Midland, ON L4R 4P4
Millbrook Hydro Inc. c/o Hydro One Networks Inc.	483 Bay Street North Tower, 15 th Floor Toronto, ON M5G 2P5
Milton Hydro Distribution Inc.	8069 Lawson Road Milton, ON L9T 5C4

Name	Address
Minto Hydro Inc. c/o Westario Power Inc.	24 Eastridge Road R.R. #2 Walkerton, ON N0G 2V0
Mississippi Mills PUC c/o Ottawa River Power Corporation	283 Pembroke St. W. Pembroke, ON K8A 6Y6
Newbury Power Inc. c/o Middlesex Power	351 Frances St. Strathroy, ON N7G 2L7
Newmarket-Tay Power Distribution Ltd.	590 Steven Court Newmarket, ON L3Y 6Z2
Niagara Peninsula Energy Inc.	7447 Pin Oak Drive Box 120 Niagara Falls, ON L2E 6S9
New Tecumseth HEC c/o Powerstream Inc.	161 Cityview Blvd. Vaughan, ON L4H 0A9
Niagara-on-the-Lake Hydro Inc.	#8 Henegan Road P.O. Box 460 Virgil, ON L0S 1T0
Norfolk Power Distribution Inc.	P.O. Box 588 70 Victoria Street Simcoe, ON N3Y 4N6
North Bay Hydro Distribution Ltd.	P.O. Box 3240 North Bay, ON P1B 8Y5
Northern Ontario Wires Inc.	153 Sixth Ave. P.O. Box 640 Cochrane, ON P0L 1C0
Oakville Hydro Electricity Distribution Inc.	1 P.O. Box 861 Redwood Square Town of Oakville Oakville, ON L6J 5E3
Omeme Hydro Inc.	483 Bay Street North Tower, 15 th Floor

Name	Address
c/o Hydro One Networks Inc.	Toronto, ON M5G 2P5
Orangeville Hydro Limited	400 C Line, P.O. Box 400 Orangeville, ON L9W 2Z7
Orillia Power Distribution Corporation	P.O. Box 398 360 West Street South Orillia, ON L3V 6J9
Oshawa PUC Networks Inc.	100 Simcoe Street South Oshawa, ON L1H 7M7
Ottawa River Power Corp.	283 Pembroke St. W. Pembroke, ON K8A 6Y6
Parry Sound Power Corporation	125 William Street Parry Sound, ON P2A 1V9
Penetanguishene HEC c/o Powerstream Inc.	161 Cityview Blvd. Vaughan, ON L4H 0A9
Peterborough Distribution Inc.	1867 Ashburnham Drive P.O. Box 4125 Main Station Peterborough, ON K9J 6Z5
Port Colborne Hydro Inc.	66 Charlotte Street Port Colborne, ON L3K 3C8
Port Hope HEC c/o Veridan Connections Inc.	55 Taunton Road East Ajax, ON L1T 3V3
Powerstream Inc.	161 Cityview Blvd. Vaughan, ON L4H 0A9
PUC Distribution Inc.	765 Queen Street East P.O. Box 9000 Sault St. Marie, ON P6A 6P2
Quinte West Electric Distribution Company Inc. c/o Hydro One Networks Inc.	483 Bay Street North Tower, 15 th Floor Toronto, ON M5G 2P5

Name	Address
Renfrew Hydro Inc.	29 Bridge Ave. West Renfrew, ON K7V 3R3
Richmond Hill Hydro Inc. c/o Powerstream Inc.	161 Cityview Blvd. Vaughan, ON L4H 0A9
Rideau St. Lawrence Distribution Inc.	985 Industrial Road P.O. Box 699 Prescott, ON K0E 1T0
Scugog Hydro Electric Corporation c/o Veridan Connections Inc.	55 Taunton Road East Ajax, ON L1T 3V3
Seaforth PUC c/o Festival Hydro Inc.	P.O. Box 397 187 Erie Street Stratford, ON N5A 6T5
Severn TWP. HEC (1437908 Ontario Ltd.) c/o Hydro One Networks Inc.	483 Bay Street North Tower, 15 th Floor Toronto, ON M5G 2P5
Sioux Lookout Hydro Inc.	P.O. Box 908 25 Fifth Avenue Sioux Lookout, ON P8T 1B3
Stirling-Rawdon Electrical Dist. Corp. c/o Hydro One Networks Inc.	483 Bay Street North Tower, 15 th Floor Toronto, ON M5G 2P5
St. Catharines Hydro Utility Services Inc.	340 Vansickle Road P.O. Box 3083 St. Catharines, ON L2R 6R8
St. Mary's PUC c/o Festival Hydro Inc.	P.O.Box 397 187 Erie Street Stratford, ON N5A 6T5
St. Thomas Energy Inc.	135 Edward Street St. Thomas, ON N5P 4A8
Tay Hydro Electric Distribution Company Inc.	590 Steven Court

Name	Address
c/o Newmarket-Tay Power Distribution Ltd.	Newmarket, ON L3Y 6Z2
Terrace Bay Superior Wires Inc. c/o Hydro One Networks Inc.	483 Bay Street North Tower, 15 th Floor Toronto, ON M5G 2P5
Thorold Hydro Corp. c/o Hydro One Networks Inc.	483 Bay Street North Tower, 15 th Floor Toronto, ON M5G 2P5
Tillsonburg Hydro Inc.	200 Broadway 2 nd Floor Tillsonburg, ON N2G 5A7
Toronto Hydro-Electric System Limited	14 Carlton Street Toronto, ON M5R 1K5
Thunder Bay Hydro Electricity Distribution Inc.	34 North Cumberland Street Thunder Bay, ON P7A 4L4
Veridan Connections Inc.	55 Taunton Road East Ajax, ON L1T 3V3
Walkerton PUC (including Elmwood HS) c/o Westario Power Inc.	24 Eastridge Road R.R. #2 Walkerton, ON N0G 2V0
Wasaga Distribution Inc.	950 River Road West Wasaga Beach, ON L9Z 1A2
Waterloo North Hydro Inc.	P.O. Box 640 300 Northfield Drive East Waterloo, ON N2J 4A3
Welland Hydro-Electric System Corp.	P.O. Box 280 950 East Main Street Welland, ON L3B 5P6
Wellington Electric Distribution Company Inc. c/o Guelph Hydro Electric Systems	395 Southgate Drive Guelph, ON N1G 4Y1

Name	Address
Inc.	
Wellington North Power Inc.	290 Queen Street West P.O. Box 359 Mount Forest, ON N0G 2L0
West Coast Huron Energy Inc. (Goderich Hydro)	64 West Street Goderich, ON N7A 2K4
West Perth Power Inc.	169 St. David Street Mitchell, ON N0K 1N0
West Nipissing Energy Services Ltd. c/o Greater Sudbury Hydro Inc./Hydro du Grand Sudbury Inc.	500 Regent Street Sudbury, ON P3E 4P1
Westario Power Inc.	24 Eastridge Road R.R. #2 Walkerton, ON N0G 2V0
Whitby Hydro Electric Corporation	100 Taunton Road East P.O. Box 59 Whitby, ON L1N 5R8
Whitchurch-Stouffville Hydro (1437908 Ontario Inc.) c/o Hydro One Networks Inc.	483 Bay Street North Tower, 15 th Floor Toronto, ON M5G 2P5
Woodstock Hydro Services Inc.	16 Graham Street P.O. Box 1598 Woodstock, ON N4S 0A8
Woodville Hydro Inc. c/o Hydro One Networks Inc.	483 Bay Street North Tower, 15 th Floor Toronto, ON M5G 2P5
Zurich HS c/o Festival Hydro Inc.	P.O.Box 397 187 Erie Street Stratford, ON N5A 6T5
1382154 Ontario Ltd. (Brock HEC)	55 Taunton Road East

Name	Address
c/o Veridan Connections Inc.	Ajax, ON L1T 3V3
Municipalities	
Alisa Craig Hydro Committee c/o Municipality of North Middlesex	229 Parkhill Main Street, P.O. Box 9 Parkhill, ON NOM 2K0
Village of Arkona c/o The Municipality of Lambton Shores	7883 Amtelecom Parkway P.O. Box 610 Forest, ON NON LJO
Arnprior Hydro-Electric Commission	105 Elgin Street West Arnprior, ON K7S 0A8
Arran-Elderslie PUC c/o Municipality of Arran-Elderslie	P.O. Box 70 1925 Bruce Road #10 Chesley, ON NOG 1H0
Artemesia Township c/o The Municipality of Grey Highlands	206 Toronto Street South, Unit 1, P.O. Box 409 Markdale, ON NOC 1H0
Bancroft P.U.C. c/o Town of Bancroft	24 Flint Avenue P.O.Box 790 Bancroft, ON K0L 1C0
Blandford-Blenheim PUC c/o Township of Blandford-Blenheim	47 Wilmot St. Drumbo, ON NOJ 1G0
Township of Blyth c/o Township of North Huron	Municipal Office 274 Josephine Street P. O. Box 90 Wingham, ON NOG 2W0
Town of Carleton Place	175 Bridge Street Carleton Place, ON K7C 2V8
Centre Hastings c/o Municipality of Centre Hastings	11379 Highway #62 R.R. #5 Madoc, ON K0K 2K0

Name	Address
Chalk River Township c/o Town of Laurentian Hills	34465 Highway 17, RR #1 Deep River, ON K0J 1P0
Township of Champlain Township	948 Pleasant Corner Road East Vankleek Hill, ON K0B 1R0
Clarence-Rockland HEC c/o City of Clarence-Rockland	Municipal Office 1560 Laurier Street, Rockland, ON K4K 1P7
Town of Cobden c/o Township of Whitewater Region	44 Main Street Cobden, ON K0J 1K0
Deep River HEC	8 Hendale Avenue P.O. Box 340 Deep River, ON K0J 1P0
Deseronto Public Utilities Commission c/o Town of Deseronto	331 Main St. P.O. Box 310 Deseronto, ON K0K 1X0
Dryden Hydro c/o City of Dryden	30 Van Horne Avenue Dryden, ON P8N 2A7
Township of Durham c/o Municipality of West Grey	402813 Grey Rd 4, RR2 Durham, ON N0G 1R0
Dundalk Energy Services Inc. c/o Township of Southgate	185667 Grey Road #9 RR #1 Dundalk, ON N0C 1B0
Eganville PUC c/o Township of Bonnechere Valley	49 Bonneshere Street East P.O. Box 100 Eganville, ON K0J 1T0
Exeter HEC c/o The Corporation of the Municipality of South Huron	322 Main Street South P.O. Box 759 Exeter, ON N0M 1S6
Town of Forest c/o Municipality of Lambton Shores	7883 Amtelecom Parkway P.O. Box 610

Name	Address
	Forest, ON N0N 1J0
Township of Georgina	26557 Civic Centre Road R.R. #2 Keswick, ON L4P 3G1
Glencoe PUC c/o Municipality of Southwest Middlesex	153 McKellar Street, P.O Box 218 Glencoe, ON N0L 1M0
Town of Grand Bend c/o The Municipality of Lambton Shores	7883 Amtelecom Parkway P.O. Box 610 Forest, ON N0N 1J0
The Town of the Greater Napanee	45 Commercial Court Napanee, ON K7R 4A2
Hastings Public Utilities c/o Trent Hills Municipality	66 Front Street, South P.O. Box 1030 Campbellford, ON K0L 1L0
Havelock-Belmont-Methuen c/o Township of Havelock - Belmont - Metheun	Box 10, 1 Ottawa Street East Havelock, ON K0L 1Z0
Lanark Highlands PUC	75 George Street P.O. Box 340 Lanark, ON K0G 1K0
The Corporation of the Township of Larder Lake	P.O. Box 40 Larder Lake, ON P0K 1L0
The Town of Latchford c/o The Corporation of The Town of Latchford	10 Main St., Hwy 11, P.O. Box 10 Latchford, ON P0J 1N0
Lucan Granton Hydro Electricity Commission	P.O. Box 190 Lucan, ON N0M 2J0
Township of Malahide	87 John Street South Aylmer, ON N5H 2C3

Name	Address
The Township of Mapleton	7275 Sideroad 16, Box 160 Drayton, ON NOG 1P0
Town of Markdale c/o The Municipality of Grey Highlands	206 Toronto Street South, Unit 1, P.O. Box 409 Markdale, ON NOC 1H0
The Municipality of Marmora and Lake	12 Bursthall St Marmora, ON K0K 2M0
McGarry Township Hydro System c/o The Township of McGarry	27 Webster Street, Virginiatown, ON P0K 1X0
Municipality of Meaford	21 Trowbridge St. West, Meaford, ON N4L 1A1
The Middlesex Centre Municipal Office	10227 Ilderton Road, RR#2 Ilderton, ON NOM 2A0
Nipigon Hydro Electric Commission c/o Township of Nipigon	52 Front Street P.O. Box 160 Nipigon, ON POT 2J0
Town of North Dorchester c/o Municipality of Thames Centre	4305 Hamilton Rd. Dorchester, ON N0L 1G3
Township of North Dundas	636 St. Lawrence Street P.O. Box 489 Winchester, ON K0C 2K0
North Glengarry Twp. HEC	PO Box 700 90 Main Street South Alexandria, ON K0C 1A0
North Grenville Twp. HEC c/o The Corporation of the Municipality of North Grenville	285 County Road #44 Kemptonville, ON K0G 1J0

Name	Address
North Perth Utility Commission c/o The Municipality of North Perth	330 Wallace Ave. N., Listowel, ON N4W 1L3
North Stormont Twp. HEC	15 Union St., P.O. Box 99 Berwick, ON K0C 1G0
Warkworth Hydro System c/o The Township of Trent Hills	Box 1030, 66 Front Street South Campbellford, ON K0L 1L0
The Corporation of the Town of Perth (formerly Perth PUC) c/o The County of Lanark	80 Gore Street East Perth, Ontario K7H 1H9
South Glengarry Twp. PUC	6 Oak Street, P.O. Box 220 Lancaster, ON K0C 1N0
Township of Perth East	25 Mill Street E P.O. Box 455 Milverton, ON N0K 1M0
Prince Edward Hydro Inc.	332 Main Street, Drawer 1550 Picton, ON K0K 2T0
Town of Rainy River	PO Box 488 Rainy River, ON POW 1L0
Ramara Township HEC	2297 Highway 12, PO Box 130 Brechtin, ON L0K 1B0
The Township of Red Rock (Red Rock Hydro Service)	PO Box 447 42 Salis Street Red Rock, ON POT 2P0
Russell H.S.	P.O. Box 215 Russell, ON K4R 1C9
Schreiber Hydro Electric Commission c/o Township of Schreiber	608 Winnipeg Street P.O. Box 40 Schreiber, ON POT 2S0
Town of Shelburne	203 Main Street East

Name	Address
	Shelburne, ON L0N 1S0
Smiths Falls HEC	P.O. BOX 695, 77 Beckwith St. N. Smiths Falls, ON K7A 4T6
S.B.P. (Warton HEC) c/o Town of South Bruce Peninsula	315 George Street, PO Box 310, Warton, ON N0H 2T0
South River PUC Township of South River	63 Marie Street P.O. Box 310 South River, ON POA 1X0
The Corporation of the Township of Springwater/Twp. HEC	2231 Nursery Road Minesing, ON L0L 1Y2
Town of Thedford c/o The Municipality of Lambton Shores	7883 Amtelecom Parkway P.O. Box 610 Forest, ON N0N 1J0
Thessalon Hydro Distribution Corp.	PO Box 220 187 Main Street Thessalon, ON P0R 1L0
Tweed HEC	255 Metcalf Street Postal Bag 729 Tweed, ON K0K 3J0
Wardsville HEC	153 McKellar Street, Box 218 Glencoe, ON N0L 1M0
Municipality of West Elgin	22413 Hoskins Line PO Box 490 Rodney, ON N0L 2C0
Town of Thorndale c/o Municipality of Thames Centre	4305 Hamilton Rd, Dorchester, ON N0L 1G3
Town of Plympton-Wyoming	546 Niagara Street, Box 250 Wyoming, ON N0N 1T0

Name	Address
The Corporation of Loyalist Township c/o Bath Hydro Electric Commission	Main Office: 613-386-7351 Box 70, 263 Main Street Odessa, ON K0H 2H0
Terrace Bay Superior Wires Inc.	P.O. Box 40 1 Selkirk Avenue, Terrace, Bay ON P0T 2W0

DOCSTOR-#1964089-v1-Schedule_F_

Schedule G

(to Implementation order - Settlement Funds to be Paid by Toronto Hydro and Defendant Class Members)

LDC	1994	1995	1996	1997	1998	1999	2000	2001	Total LDC Service Revenue	Share of cash LDC as a %	Amount Owed by LDC
1 Adhokan Hydro Inc.						\$ 3,760,905	\$ 3,772,991	\$ 3,786,468	9437100	0.841234383%	\$7,025.31
2 Barrie Hydro Dist. Inc.						\$ 64,871,271	\$ 65,736,456	\$ 103,789,371	212582612.5	0.929428141%	\$158,362.20
BRADFORD-WEST GWILLIMBURY PUC						\$ 7,353,394			7753794	0.803915299%	\$5,778.32
ESSA TWP. HEC						\$ 399,349			299349	0.801306560%	\$22.08
NEW TECUMSETH HEC						\$ 14,138,292			14138292	0.801928741%	\$18,551.11
PENETANGUISHENE HEC						\$ 5,681,837			5681837	0.824849005%	\$4,233.65
3 Elcometer Power Distribution Corporation						\$ 72,359,329	\$ 73,358,371	\$ 80,259,314	185757848	0.812509711%	\$138,431.34
4 Front County Power Inc.						\$ 26,870,971	\$ 26,876,383	\$ 22,320,459	51961482.5	0.227018099%	\$38,578.21
5 Bradford Power Inc.						\$ 66,799,461	\$ 65,343,310	\$ 49,403,404	137804473	0.498349913%	\$17,599.80
6 Burlington Hydro Inc.						\$ 118,861,504	\$ 115,916,887	\$ 125,142,447	283492245.5	1.252499797%	\$213,394.53
7 Cambridge & North Dumfries Hydro Inc.						\$ 92,883,348	\$ 95,348,481	\$ 108,415,800	242552746	1.068957297%	\$180,697.26
8 Centre Wellington Hydro Ltd.						\$ 12,642,918	\$ 12,648,481	\$ 13,384,393	31603296.5	0.133234663%	\$20,551.78
9 Clapham Public Utilities Corp.						\$ 2,877,729	\$ 2,847,536	\$ 2,789,979	6673884.5	0.820553397%	\$4,533.24
10 Chatham-Kent Hydro Inc.						\$ 65,940,051	\$ 64,994,820	\$ 68,989,837	166438248.5	0.723431684%	\$122,388.25
DUTTON HYDRO INC.						\$ 624,349	\$ 626,300	\$ 655,177	1562237.5	0.806332684%	\$1,164.22
11 Clinton Power Corp.						\$ 2,385,828	\$ 2,317,735	\$ 2,504,420	5857573	0.805621178%	\$4,362.31
12 COLLUS Power Corp.						\$ 19,130,245	\$ 12,582,518	\$ 23,591,639	53431892.5	0.233780003%	\$39,818.17
CLARVIEW TWP. HEC						\$ 2,850,518			2850518	0.812468286%	\$7,134.27
THE BLUE MOUNTAINS ENERGY SERVICES						\$ 1,634,406			1634406	0.807183977%	\$1,818.62
13 Cooperative Hydro Enbridge Inc.						\$ 1,948,515	\$ 2,343,721	\$ 2,858,881	5311276.3	0.823275400%	\$9,065.55
14 E.L.K. Energy Inc.						\$ 13,858,343	\$ 13,858,343	\$ 15,090,151	33561983.5	0.154678894%	\$28,325.56
15 Esromsco Hydro Mississauga Inc.						\$ 479,144,404	\$ 497,988,890	\$ 552,834,880	1253466404	5.482498082%	\$83,4114.16
16 Ewin Powerlines Inc. & Ewin Utilities						\$ 288,949,512	\$ 218,214,735	\$ 234,021,623	541175496	2.367115846%	\$403,397.56
17 Erie Thames Powerlines Corp.						\$ 27,829,817	\$ 27,829,817	\$ 27,711,893	69668929.5	0.384732904%	\$39,919.04
18 Espanola Regional Hydro Distribution Corp.						\$ 4,791,469	\$ 4,791,469	\$ 5,233,494	12339810	0.823971574%	\$9,395.24
19 Estes Power Lease Corp.						\$ 34,383,787	\$ 37,181,695	\$ 41,648,158	94195479.5	0.412013504%	\$70,156.80
20 Festival Hydro Inc.						\$ 31,516,350	\$ 43,036,898	\$ 45,928,817	98817656.5	0.428731806%	\$17,045.18
BRUSSELS PUC						\$ 478,741			478741	0.802868313%	\$356.81
BUSHWOOD HEC						\$ 240,884			240884	0.801653776%	\$179.43
BENSALE PUC						\$ 1,548,139			1548139	0.805428657%	\$930.16
SEAFORTH PUC						\$ 1,727,061			1727061	0.807556213%	\$1,287.05
ST. MARYS PUC						\$ 6,002,472			6002472	0.826328797%	\$4,473.19
ZURICH HEC						\$ 536,931			536931	0.801294107%	\$392.68
21 Fort Frances Power Corp.						\$ 4,415,003	\$ 4,584,531	\$ 4,766,854	11306651	0.804555151%	\$8,428.57
22 Greater Sudbury Hydro Inc.						\$ 68,308,897	\$ 71,758,369	\$ 69,731,519	175432730.5	0.767347375%	\$139,736.81
WEST NIPISING ENERGY SERVICES LTD.						\$ 4,408,547	\$ 4,417,170	\$ 4,666,540	11159037	0.804880921%	\$4,318.99
23 Grimsby Power Inc.						\$ 11,139,655	\$ 11,434,130	\$ 12,637,696	28944613	0.126064964%	\$21,570.25
24 Guelph Hydro Electric						\$ 98,122,338	\$ 101,690,237	\$ 110,943,000	258283566	1.116697667%	\$194,251.26
WELLINGTON ELECTRIC DIST. CO. INC.						\$ 1,136,943	\$ 1,192,365	\$ 1,390,000	2968768	0.817883282%	\$2,112.83
25 Haldimand County Hydro Inc.						\$ 24,898,995	\$ 26,213,328	\$ 25,301,835	64985240.5	0.283897225%	\$44,368.89
26 Halton Hills Hydro Inc.						\$ 29,882,213	\$ 31,882,579	\$ 34,696,624	78,778,103	0.842398480%	\$58,334.78
27 Huron Power Distribution Co. Ltd.						\$ 7,117,359	\$ 7,484,128	\$ 7,891,680	18547287	0.881123213%	\$15,821.58
28 Huron Hydro Corporation						\$ 439,870,889	\$ 444,035,344	\$ 469,615,080	1118832723	4.892647799%	\$823,850.79
HAMILTON HYDRO INC.						\$ 188,988,884	\$ 198,373,443	\$ 106,729,607	154631310.5	1.113768846%	\$189,787.55
29 Hydro 2000 Inc.						\$ 1,876,768	\$ 1,947,687	\$ 1,964,469	4886883.5	0.811035886%	\$3,582.06
Hydro Newbury Inc.						\$ 12,875,478	\$ 12,875,478	\$ 13,870,626	30911494	0.135958977%	\$24,556.61
31 Hydro One Brantford Network						\$ 211,616,874	\$ 219,596,880	\$ 245,929,228	564177898	2.421980389%	\$415,086.78
Hydro One Network Inc.									0	0.000000000%	\$0.00
BORCAVEGON HEC						\$ 2,889,131	\$ 2,874,216		5983347	0.826171317%	\$4,459.94
BRIGHTON DISTRIBUTION INC.						\$ 2,835,842	\$ 2,927,782		5762834	0.825206787%	\$4,294.61
BROCKVILLE UTILITIES INC.						\$ 21,312,464	\$ 21,377,534		43450198	0.198682304%	\$32,388.16
CALEDON HYDRO CORP.						\$ 38,438,299	\$ 36,783,588		7191887	0.233899880%	\$58,873.86
CAMPBELLFORDSEYMOUR ELEC. DIST. INC.						\$ 3,029,489	\$ 3,114,508		6144407	0.836870849%	\$4,578.67
CAYAN-MILLBROOK-N.MONAGHAN PUC						\$ 734,016	\$ 797,379		1491595	0.806333481%	\$1,111.42
ERIN HEC						\$ 4,174,929	\$ 4,344,692		8019621	0.837269446%	\$6,340.03
FENKON FALLS RD OF LIGHT & POWER						\$ 1,778,114	\$ 1,778,114		3590225	0.815538791%	\$2,646.72
GEORGIAN BAY ENERGY INC. (Chatham HEC & Owen Sound PUC)						\$ 18,953,570	\$ 19,778,841		38232411	0.167129571%	\$36,491.74
KIRKFIELD HEC						\$ 228,130	\$ 228,130		440258	0.801929789%	\$328.69
LINDSAY HEC						\$ 13,199,800	\$ 13,124,888		26232888	0.115141378%	\$19,641.21
OMBER HEC						\$ 982,893	\$ 976,687		1756697	0.808421422%	\$1,438.82
QUINCY WEST ELECTRIC DIST. CO. INC.						\$ 22,866,889	\$ 23,195,413		46264212	0.202630617%	\$34,472.32
SEVERN TWP. HEC (42998 ONTARIO LTD.)						\$ 947,168	\$ 971,698		1939465	0.808572508%	\$1,468.54
STIRLING-RAWDON ELECTRIC DIST. CORP.						\$ 1,378,869	\$ 1,385,636		2856485	0.811248423%	\$1,808.84
THOROLD HYDRO CORP.						\$ 14,516,186	\$ 14,711,838		28253828	0.127869876%	\$21,785.85
WHITCHURCH-GROUPEVILLE HEC						\$ 6,818,082	\$ 6,818,082		13836994	0.847819624%	\$9,714.75
WOODVILLE HEC						\$ 811,727	\$ 832,156		1943883	0.804650977%	\$777.83
32 Hydro One Remote Communities									0	0.000000000%	\$0.00
33 Hydro Ottawa Ltd.						\$ 492,188,448	\$ 497,634,000	\$ 555,435,800	126733949	5.514323837%	\$944,602.11
CASSELLMAN HYDRO INC.						\$ 1,949,945	\$ 2,247,545		4117386	0.818009135%	\$3,068.31
34 Ingersoll Hydro Distribution Systems Ltd.						\$ 16,071,658	\$ 16,446,336	\$ 17,381,573	41647880.5	0.812150991%	\$31,633.88
35 Kemora Hydro Electric Corp. Ltd.						\$ 8,834,880	\$ 8,834,880	\$ 8,988,767	18299957.5	0.817971648%	\$13,132.63
36 Kingston Electricity Distribution Ltd. (42446 Ontario Ltd.)						\$ 98,818,236	\$ 11,323,280	\$ 54,801,706	128885179	0.568824766%	\$66,575.86
37 Kitchener-Waterloo Hydro Inc.						\$ 132,389,803	\$ 133,446,381	\$ 146,783,598	338712303	1.461535318%	\$252,414.78
38 Lakeshore Utilities Inc.						\$ 18,118,486	\$ 18,128,889	\$ 19,267,108	40930819	0.208920616%	\$34,228.78
39 Lakeshore Power Dist. Ltd.						\$ 12,983,445	\$ 16,473,383	\$ 17,670,620	39231743	0.171531592%	\$29,221.56
40 London Hydro Utilities Services Inc.						\$ 227,989,973	\$ 227,741,285	\$ 227,930,840	569879878	2.491488381%	\$824,662.18
41 Midland						\$ 12,319,880	\$ 12,538,269	\$ 14,512,510	33114414	0.140488251%	\$23,832.46
NEWBURY POWER INC.						\$ 375,843	\$ 375,843	\$ 383,831	893999.5	0.808383823%	\$814.89
42 Midland Power Utility Corp.						\$ 15,234,348	\$ 15,899,387	\$ 16,649,289	3658125	0.172983222%	\$25,479.70
43 Midland Hydro Dist. Inc.						\$ 35,942,819	\$ 37,136,599	\$ 40,581,541	93619186.5	0.408888389%	\$89,328.11
44 Newmarket-Tay Power Distribution Ltd.									0	0.000000000%	\$0.00
TAY HYDRO ELECTRIC DISTRIBUTION CO. INC.						\$ 3,796,738	\$ 3,796,738	\$ 3,978,368	8923839	0.839822233%	\$6,648.92
NEWMARKET HYDRO LTD.						\$ 41,865,112	\$ 43,365,283	\$ 49,384,384	109821536.8	0.480366627%	\$81,864.47
45 Niagara on the Lake Hydro Inc.						\$ 11,718,873	\$ 12,381,419	\$ 13,842,328	30893486	0.135129445%	\$33,827.68
46 Niagara Peninsula Energy Inc. (Niagara Falls, Pen West)						\$ 56,431,364	\$ 57,188,776	\$ 61,985,378	144839725	0.179827813%	\$87,473.53
PENINSULA WEST UTILITIES LTD.						\$ 22,967,826	\$ 24,773,214	\$ 26,396,144	63918863	0.279827813%	\$47,633.92
47 Norfolk Power Distribution Co. Ltd.						\$ 34,791,363	\$ 38,318,654	\$ 39,033,833	69403836	0.306484444%	\$51,570.57
48 North Bay Hydro Distribution Ltd.						\$ 43,161,358	\$ 43,386,743	\$ 45,188,718	108042297	0.471821354%	\$26,772.92
49 Northern Ontario Wire Inc.						\$ 6,988,728	\$ 10,886,819	\$ 10,978,997	23961892.5	0.100434609%	\$17,111.55
KAPUSKASING PUC						\$ 3,697,544			3697544	0.816173155%	\$2,756.50
50 Oakville Hydro Electricity Distribution Inc.						\$ 129,257,800	\$ 131,673,000	\$ 119,844,000	30885888	1.403418803%	\$329,106.84
51 Orangeville Hydro Ltd. (Grand Valley)						\$ 15,471,375	\$ 16,488,089	\$ 17,886,123	48899446.5	0.178895254%	\$36,476.28
GRAND VALLEY ENERGY INC.						\$ 783,655	\$ 776,878	\$ 848,236	1980451	0.008663439%	\$1,476.83
52 Oshawa Power Distribution Corp.						\$ 28,751,000	\$ 31,643,000	\$ 32,642,000	83118988	0.333234686%	\$39,882.61
53 Oshawa PUC Hydro Inc.						\$ 84,175,622	\$ 85,818,321	\$ 90,245,000	21450193	0.957128977%	\$189,664.54
54 Oshawa River Power Corp						\$ 11,882,089	\$ 12,888,438	\$ 13,477,723	32546315.5	0.141485526%	\$24,188.27
KILLALOE HEC						\$ 472,044			472044	0.802147837%	\$369.84
MISSISSAUGA MILLS PUC						\$ 2,864,398			2864398	0.811231674%	\$1,911.85
55 Perry Sound Power Corp.						\$ 6,148,491	\$ 6,166,788	\$ 6,388,951	15466754.5	0.862643243%	\$11,624.72
56 Peterborough Distribution Inc.						\$ 47,780,407	\$ 52,488,689	\$ 57,742,526	129051900	0.5644787	

LDC	1994	1995	1996	1997	1998	1999	2000	2001	Total LDC Service Revenue	Share of each LDC as a %	Amount Owling by LDC
61 Elmore St. Lawrence Dist. Inc.						\$ 5,885,085	\$ 5,885,085	\$ 5,885,085	23916465.5	0.30010078%	\$11,875.45
62 Elmore St. Lawrence Dist. Inc.						\$ 4,343,486	\$ 4,343,486	\$ 4,343,486	15475828.5	0.36761046%	\$11,532.37
63 Elmore St. Lawrence Dist. Inc.						\$ 25,835,724	\$ 25,835,724	\$ 25,835,724	68859458.5	0.376719394%	\$48,949.82
64 Thunder Bay Hydro Electricity Dist. Inc.						\$ 78,676,781	\$ 78,676,781	\$ 78,676,781	37,572,063	0.473083460%	\$148,781.59
65 Toronto Hydro-Elec	\$753,288,234	\$744,553,612	\$724,528,281	\$711,743,898	\$1,851,812,000	\$1,877,651,730	\$1,900,829,880	\$1,943,178,880	\$1,943,178,880	0.3163091333%	\$27,786.89
66 Tillamook Hydro Inc.						\$ 14,569,289	\$ 14,569,289	\$ 14,569,289	15,846,061	0.163980009%	\$268,653.37
67 Veridian Connections Inc.						\$ 102,487,053	\$ 102,487,053	\$ 102,487,053	348761974	0.329800009%	\$268,653.37
138154 ONTARIO LTD. (Brook HEC)						\$ 3,822,493	\$ 3,822,493	\$ 3,822,493	3822493	0.016719619%	\$2,848.82
BELLEVEILLE ELECTRIC CORP.						\$ 36,681,251	\$ 36,681,251	\$ 36,681,251	36681251	0.1698992371%	\$17,574.33
PORT HOPKINS HEC						\$ 13,836,711	\$ 13,836,711	\$ 13,836,711	13836711	0.005833745%	\$18,321.89
GRAVESEND HYDRO ELECTRIC INC.						\$ 5,622,188	\$ 5,622,188	\$ 5,622,188	17591866	0.076637603%	\$13,871.33
SCHOGG HYDRO ENERGY CORP.						\$ 3,393,309	\$ 3,393,309	\$ 3,393,309	8063236	0.007646200%	\$6,412.66
68 Wessco Distribution Inc.						\$ 7,018,282	\$ 7,018,282	\$ 7,018,282	7018282	0.001440177%	\$13,270.91
69 Waterloo North Hydro Inc.						\$ 83,316,818	\$ 83,316,818	\$ 83,316,818	216897148.5	0.043223377%	\$169,942.43
70 Welland Hydro-Electric System Corp.						\$ 36,484,835	\$ 36,484,835	\$ 36,484,835	92842282.5	0.000094977%	\$99,188.35
71 Wellington North Power Inc. (Wellington)						\$ 5,482,619	\$ 5,482,619	\$ 5,482,619	14347194	0.002738421%	\$16,091.89
72 West Coast Harns Energy Inc. (Goderich Hydro)						\$ 9,177,597	\$ 9,177,597	\$ 9,177,597	22944333	0.183081161%	\$17,008.68
73 West Perth Power Inc.						\$ 3,794,511	\$ 3,794,511	\$ 3,794,511	14347194	0.002738421%	\$16,091.89
74 Waterloo Power Inc.						\$ 24,368,218	\$ 24,368,218	\$ 24,368,218	7668922.5	0.317837777%	\$24,154.68
MINTO HYDRO INC.						\$ 2,884,537	\$ 2,884,537	\$ 2,884,537	2884537	0.013024403%	\$2,234.15
WALKERTON PUC (including Elmwood HS)						\$ 3,893,380	\$ 3,893,380	\$ 3,893,380	3893380	0.016124154%	\$2,752.26
75 Wilby Hydro Electric Corp.						\$ 59,902,689	\$ 59,902,689	\$ 59,902,689	155142084.5	0.07893856%	\$118,518.72
76 Woodstock Hydro Services Inc.						\$ 28,322,519	\$ 28,322,519	\$ 28,322,519	71939843	0.314623895%	\$33,684.05
Municipalities - Utility Asset Purchases by Hydro One Networks Inc.											
77 AILSA CRAIG HS January 1 to November 30, 2000						\$ 331,788	\$ 331,788	\$ 331,788	1804890	0.004355415%	\$748.87
78 ARKONA HEC January 1 to December 19, 2000						\$ 214,931	\$ 214,931	\$ 214,931	427590	0.001878289%	\$318.65
79 ARNFRONT HEC						\$ 9,494,911	\$ 9,494,911	\$ 9,494,911	16812181	0.002284634%	\$14,019.24
80 ARNFRONT HEC						\$ 2,749,828	\$ 2,749,828	\$ 2,749,828	5651774	0.004828949%	\$4,241.65
81 ARNFRONT HEC						\$ 638,794	\$ 638,794	\$ 638,794	838881	0.003528711%	\$822.33
82 ARNFRONT HEC						\$ 2,629,463	\$ 2,629,463	\$ 2,629,463	5335284	0.003324038%	\$5,973.76
83 BATH HEC						\$ 764,319	\$ 764,319	\$ 764,319	1467882	0.003858545%	\$1,038.37
84 BLANDFORD-ALLENHEIM PUC						\$ 1,469,062	\$ 1,469,062	\$ 1,469,062	3355449	0.013388597%	\$1,881.24
85 BLANTYRE HEC						\$ 927,589	\$ 927,589	\$ 927,589	1894428	0.000226747%	\$1,498.79
86 CARLETON PLACE HEC January 1 to August 29, 2000						\$ 5,882,545	\$ 5,882,545	\$ 5,882,545	8432986	0.004043621%	\$6,577.62
87 CENTRE EASTINGS HEC						\$ 1,131,038	\$ 1,131,038	\$ 1,131,038	2287877	0.010083816%	\$1,794.35
88 CHALK RIVER HEC January 1 to June 28, 2000						\$ 819,500	\$ 819,500	\$ 819,500	783146	0.003425497%	\$883.62
89 CHAMPLAIN TWP. PUC						\$ 2,406,889	\$ 2,406,889	\$ 2,406,889	4748220	0.020778761%	\$3,536.26
90 CLARENCE-ROCKLAND HEC						\$ 4,997,114	\$ 4,997,114	\$ 4,997,114	9688483	0.043253339%	\$7,269.19
91 COBBEN HS January 1 to June 29, 2000						\$ 571,783	\$ 571,783	\$ 571,783	978359	0.003622327%	\$601.22
92 DEEP RIVER HEC January 1 to December 14, 2000						\$ 3,297,080	\$ 3,297,080	\$ 3,297,080	6288266	0.027504778%	\$4,086.13
93 DUNDAS HEC						\$ 928,185	\$ 928,185	\$ 928,185	1914706	0.008374977%	\$1,426.89
94 DUNDAS HEC						\$ 4,868,891	\$ 4,868,891	\$ 4,868,891	9728509	0.042553017%	\$7,249.97
95 DUNDAS ENERGY SERVICES INC.						\$ 1,254,495	\$ 1,254,495	\$ 1,254,495	2495439	0.040918116%	\$1,839.66
96 DURHAM HEC January 1 to November 23, 2000						\$ 1,789,596	\$ 1,789,596	\$ 1,789,596	3448877	0.043026489%	\$2,564.19
97 EGANVILLE PUC						\$ 1,832,246	\$ 1,832,246	\$ 1,832,246	2067717	0.000923789%	\$1,871.19
98 ESTATE HEC						\$ 3,718,765	\$ 3,718,765	\$ 3,718,765	7428163	0.034989896%	\$5,538.65
99 FOREST HEC						\$ 2,554,476	\$ 2,554,476	\$ 2,554,476	4341811	0.040911956%	\$3,238.62
100 GEORGINA HEC						\$ 2,313,857	\$ 2,313,857	\$ 2,313,857	4765229	0.020552188%	\$3,566.68
101 GLENCOE PUC						\$ 1,779,878	\$ 1,779,878	\$ 1,779,878	3558553	0.013565974%	\$2,628.44
102 GRAND REND PUC January 1 to November 30, 2000						\$ 1,280,273	\$ 1,280,273	\$ 1,280,273	2477841	0.010824645%	\$1,948.95
103 HASTINGS PUC						\$ 842,627	\$ 842,627	\$ 842,627	1661437	0.007387189%	\$1,328.14
104 HAVELOCK-BELMONT-METHUEN HEC						\$ 792,581	\$ 792,581	\$ 792,581	1597497	0.008878494%	\$1,398.49
105 LANARK HIGHLANDS TWP. PUC						\$ 599,564	\$ 599,564	\$ 599,564	1123668	0.004014533%	\$873.39
106 LARDER LAKE HEC January 1 to January 14, 2001						\$ 638,878	\$ 638,878	\$ 638,878	1232991	0.005611836%	\$956.12
107 LATCHFORD HEC						\$ 256,215	\$ 256,215	\$ 256,215	870091	0.002748924%	\$387.58
108 LUCANORANTON HEC						\$ 1,074,487	\$ 1,074,487	\$ 1,074,487	2180462	0.008494189%	\$1,816.89
109 MALABIDE TWP. HEC January 1 to November 30, 2000						\$ 208,476	\$ 208,476	\$ 208,476	355710	0.002436049%	\$404.13
110 MARLETON TWP. HEC						\$ 1,103,168	\$ 1,103,168	\$ 1,103,168	2235116	0.009732716%	\$1,682.31
111 MARICDALE HS						\$ 1,999,576	\$ 1,999,576	\$ 1,999,576	4194816	0.013384845%	\$3,236.97
112 MARGARA HEC						\$ 994,897	\$ 994,897	\$ 994,897	2008918	0.009778607%	\$1,497.18
113 MEGARRY TWP. HS						\$ 423,813	\$ 423,813	\$ 423,813	836380	0.005692133%	\$933.44
114 MELAFORD PUC						\$ 2,467,893	\$ 2,467,893	\$ 2,467,893	5035714	0.022813233%	\$3,788.89
115 MIDDLESEX CENTRE TWP. HEC Jan.1 to November 27, 2000						\$ 445,339	\$ 445,339	\$ 445,339	845721	0.003692505%	\$638.26
116 MAPLE HEC						\$ 2,759,181	\$ 2,759,181	\$ 2,759,181	5465393	0.033354657%	\$5,461.63
117 MIFGON TWP. HEC						\$ 1,728,271	\$ 1,728,271	\$ 1,728,271	3505495	0.018325245%	\$2,611.94
118 NORTH DORCHESTER TWP. PUC Jan.1 to December 31, 2000						\$ 971,165	\$ 971,165	\$ 971,165	1828239	0.008211848%	\$1,585.33
119 NORTH DUNDAS TWP. HEC						\$ 4,836,641	\$ 4,836,641	\$ 4,836,641	9823339	0.042964444%	\$7,320.80
120 NORTH GLENGARRY TWP. HEC						\$ 4,818,574	\$ 4,818,574	\$ 4,818,574	9685355	0.042231611%	\$7,305.56
121 NORTH GLENVILLE TWP. HEC						\$ 2,676,448	\$ 2,676,448	\$ 2,676,448	5362890	0.023413857%	\$3,940.14
122 NORTH PERTH UTILITY COMMISSION						\$ 5,735,379	\$ 5,735,379	\$ 5,735,379	11802674	0.051878009%	\$8,833.87
123 NORTH STORMONT TWP. HEC						\$ 461,975	\$ 461,975	\$ 461,975	928387	0.004046164%	\$692.01
124 PERTH EAST TWP. HEC						\$ 4,996,264	\$ 4,996,264	\$ 4,996,264	9859922	0.053228079%	\$8,801.06
125 PERTH PUC						\$ 1,045,897	\$ 1,045,897	\$ 1,045,897	2153813	0.003664923%	\$6,876.42
126 PRINCE EDWARD HYDRO INC.						\$ 8,894,648	\$ 8,894,648	\$ 8,894,648	18348584	0.045264104%	\$17,711.87
127 RAINY RIVER HYDRO INC.						\$ 722,535	\$ 722,535	\$ 722,535	1448437	0.004331159%	\$1,976.97
128 RAMARA TWP. HEC						\$ 289,391	\$ 289,391	\$ 289,391	519920	0.002346779%	\$394.58
129 RED ROCK TWP. HS						\$ 524,075	\$ 524,075	\$ 524,075	1601685	0.004643707%	\$781.17
130 RUSSELL HS January 1 to August 15, 2000						\$ 1,121,782	\$ 1,121,782	\$ 1,121,782	1777186	0.007734589%	\$1,334.44
131 R.A.P. ENERGY INC. (Watkins HEC)						\$ 1,851,696	\$ 1,851,696	\$ 1,851,696	3715184	0.016349963%	\$2,768.29
132 SCHERER TWP. HEC						\$ 1,463,777	\$ 1,463,777	\$ 1,463,777	2947126	0.013898877%	\$1,963.77
133 SHELBOURNE HEC January 1 to December 18, 2000						\$ 2,636,879	\$ 2,636,879	\$ 2,636,879	5284676	0.023167887%	\$3,947.21
134 SMITH FALLS HEC						\$ 8,926,649	\$ 8,926,649	\$ 8,926,649	18117824	0.079342047%	\$19,801.78
135 SOUTH GLENGARRY TWP. PUC						\$ 722,723	\$ 722,723	\$ 722,723	1446266	0.003231311%	\$1,977.44
136 SOUTH RIVER PUC						\$ 688,434	\$ 688,434	\$ 688,434	1379394	0.006813860%	\$1,271.96
137 SPRINGWATER TWP. HEC						\$ 1,444,869	\$ 1,444,869	\$ 1,444,869	2964676	0.012713777%	\$2,164.13
138 TERRACE BAY SUPERIOR WIRES INC.						\$ 1,718,706	\$ 1,718,706	\$ 1,718,706	4914383.5	0.018871271%	\$3,118.19
139 THEFTORD HEC January 1 to December 11, 2000						\$ 883,186	\$ 883,186	\$ 883,186	1105161	0.004834043%	\$823.29
140 THESSALON HYDRO DISTRIBUTION CORP.						\$ 977,897	\$ 977,897	\$ 977,897	1972406	0.006511228%	\$1,776.63
141 THORNDALE HS						\$ 226,541	\$ 226,541	\$ 226,541	450278	0.001948235%	\$335.66
142 TWEE HEC						\$ 1,396,718	\$ 1,396,718	\$ 1,396,718	2349821	0.010061128%	\$1,748.24
143 WARDVILLE HEC						\$ 199,315	\$ 199,315	\$ 199,315	396620	0.001740318%	\$297.87
144 WARKWORTH HS						\$ 505,827	\$ 505,827	\$ 505,827	1811625	0.004434874%	\$783.89
145 WEST ELGIN HEC						\$ 2,133,287	\$ 2,133,287	\$ 2,133,287	4176769	0.018492187%	\$3,112.62
146 WYOMING HEC January 1 to December 8, 2000						\$ 1,101,733	\$ 1,101,733	\$ 1,101,733	2092388	0.009153167%	\$1,589.38

Sub Total \$ 753,288,234 \$ 744,553,612 \$ 724,528,281 \$ 711,743,898 \$ 1,851,812,000 \$ 7,881,467,617 \$ 7,227,897,341 \$ 7,513,616,461

Schedule H
(to implementation order – List of Administrators)

Name of Utility	Administrator
1 Atikokan Hydro Inc.	UWGT
2 Barrie Hydro Dist. Inc.	UWGT
BRADFORD-WEST GWILLIMBURY PUC	UWGT
ESSA TWP. HEC	UWGT
NEW TECUMSETH HEC	UWGT
PENETANGUISHENE HEC	UWGT
3 Bluewater Power Distribution Corporation	UWGT
4 Brant County Power Inc.	UWGT
5 Brantford Power Inc.	UWGT
6 Burlington Hydro Inc.	UWGT
7 Cambridge & North Dumfries Hydro Inc.	UWGT
8 Centre Wellington Hydro Ltd.	UWGT
9 Chapleau Public Utilities Corp.	UWGT
10 Chatham-Kent Hydro Inc.	UWGT
DUTTON HYDRO INC.	UWGT
11 Clinton Power Corp.	UWGT
12 COLLUS Power Corp.	UWGT
CLEARVIEW TWP. HEC	UWGT
THE BLUE MOUNTAINS ENERGY SERVICES	UWGT
13 Cooperative Hydro Embrum Inc.	UWGT
14 E.L.K. Energy Inc.	UWGT
15 Enersource Hydro Mississauga Inc.	UWGT
16 Enwin Powerlines Inc. & Enwin Utilities	UWGT
17 Erie Thames Powerlines Corp.	UWGT
18 Espanola Regional Hydro Distribution Corp.	UWGT
19 Essex Power Lines Corp.	UWGT
20 Festival Hydro Inc.	UWGT
BRUSSELS PUC	UWGT
DASHWOOD HS	UWGT
HENSALL PUC	UWGT
SEAFORTH PUC	UWGT
ST. MARYS PUC	UWGT
ZURICH HS	UWGT
21 Fort Frances Power Corp.	UWGT
22 Greater Sudbury Hydro Inc.	UWGT
WEST NIPISSING ENERGY SERVICES LTD.	UWGT
23 Grimsby Power Inc.	UWGT
24 Guelph Hydro Electric	UWGT
WELLINGTON ELECTRIC DIST. CO. INC.	UWGT

25	Haldimand County Hydro Inc.	UWGT
26	Halton Hills Hydro Inc.	UWGT
27	Hearst Power Distribution Co. Ltd.	UWGT
28	Horizon Utilities Corporation	UWGT
	HAMILTON HYDRO INC.	UWGT
	ST. CATHARINES HYDRO UTILITY SERVICES INC.	UWGT
29	Hydro 2000 Inc.	UWGT
30	Hydro Hawkesbury Inc.	UWGT
31	Hydro One Brampton Networks	UWGT
32	Hydro One Networks Inc.	UWGT
	BOBCAYGEON HEC	UWGT
	BRIGHTON DISTRIBUTION INC.	UWGT
	BROCKVILLE UTILITIES INC.	UWGT
	CALEDON HYDRO CORP.	UWGT
	CAMPBELLFORD/SEYMOUR ELEC. DIST. INC.	UWGT
	CAVAN-MILLBROOK-N.MONAGHAN PUC	UWGT
	ERIN HEC	UWGT
	FENELON FALLS BD OF LIGHT & POWER	UWGT
	GEORGIAN BAY ENERGY INC. (Chatsworth HS & Owen Sound PUC)	UWGT
	KIRKFIELD HS	UWGT
	LINDSAY HEC	UWGT
	OMEMEE HEC	UWGT
	QUINTE WEST ELECTRIC DIST. CO. INC.	UWGT
	SEVERN TWP. HEC (1437908 ONTARIO LTD.)	UWGT
	STIRLING-RAWDON ELECTRICAL DIST. CORP.	UWGT
	THOROLD HYDRO CORP.	UWGT
	WHITCHURCH-STOUFFVILLE HEC	UWGT
	WOODVILLE HES	UWGT
33	Hydro One Remote Communities	UWGT
34	Hydro Ottawa Ltd.	UWCO ¹
	CASSELMAN HYDRO INC.	UWGT
35	Innisfil Hydro Distribution Systems Ltd.	UWGT
36	Kenora Hydro Electric Corp. Ltd.	UWGT
37	Kingston Electricity Distribution Ltd. 142446 Ontario Ltd.	UWGT
38	Kitchener-Wilmot Hydro Inc.	UWGT
39	Lakefront Utilities Inc.	UWGT
40	Lakeland Power Dist. Ltd.	UWGT
41	London Hydro Utilities Services Inc.	UWGT
42	Middlesex	UWGT
	NEWBURY POWER INC.	UWGT
43	Midland Power Utility Corp.	UWGT
44	Milton Hydro Dist. Inc.	UWGT
45	Newmarket- Tay Power Distribution Ltd.	UWGT
	TAY HYDRO ELECTRIC DISTRIBUTION CO. INC.	UWGT
	NEWMARKET HYDRO LTD.	UWGT
46	Niagara on the Lake Hydro Inc.	UWGT

¹ United Way/Centraide Ottawa

47	Niagara Peninsula Energy Inc. (Niagara Falls, PenWest)	UWGT
	PENINSULA WEST UTILITIES LTD.	UWGT
48	Norfolk Power Distribution Co. Ltd.	UWGT
49	North Bay Hydro Distribution Ltd.	UWGT
50	Northern Ontario Wires Inc.	UWGT
	KAPUSKASING PUC	UWGT
51	Oakville Hydro Electricity Distribution Inc.	UWGT
52	Orangeville Hydro Ltd.(Grand Valley)	UWGT
	GRAND VALLEY ENERGY INC.	UWGT
53	Orillia Power Distribution Corp.	UWGT
54	Oshawa PUC Networks Inc.	UWGT
55	Ottawa River Power Corp	UWGT
	KILLALOE HEC	UWGT
	MISSISSIPPI MILLS PUC	UWGT
56	Parry Sound Power Corp.	UWGT
57	Peterborough Distribution Inc.	UWGT
	LAKEFIELD DIST. INC.	UWGT
	ASPHODEL-NORWOOD DIST. INC.	UWGT
58	Powerstream Inc.	UWGT
	RICHMOND HILL HYDRO INC.	UWGT
	AURORA HYDRO CONNECTIONS LTD.	UWGT
	HYDRO VAUGHAN DISTRIBUTION INC.	UWGT
	MARKHAM HYDRO DISTRIBUTION INC.	UWGT
59	PUC Distribution Inc.	UWGT
60	Renfrew Hydro Inc.	UWGT
61	Rideau St. Lawrence Dist. Inc.	UWGT
62	Sioux Lookout Hydro Inc.	UWGT
63	St. Thomas Energy Inc.	UWGT
64	Thunder Bay Hydro Electricity Dist. Inc.	UWGT ²
65	Toronto Hydro-Electric System Limited	UWGT
66	Tillsonburg Hydro Inc.	UWGT
67	Veridian Connections Inc.	UWGT
	1382154 ONTARIO LTD. [Brock HEC]	UWGT
	BELLEVILLE ELECTRIC CORP.	UWGT
	PORT HOPE HEC	UWGT
	GRAVENHURST HYDRO ELECTRIC INC.	UWGT
	SCUGOG HYDRO ENERGY CORP.	UWGT
68	Wasaga Distribution Inc.	UWGT
69	Waterloo North Hydro Inc.	UWGT
70	Welland Hydro-Electric System Corp.	UWGT
71	Wellington North Power Inc.(Wellington)	UWGT
72	West Coast Huron Energy Inc.(Goderich Hydro)	UWGT
73	West Perth Power Inc.	UWGT
74	Westario Power Inc.	UWGT
	MINTO HYDRO INC.	UWGT
	WALKERTON PUC (including Elmwood HS)	UWGT

² United Way of Greater Toronto ("UWGT")

75	Whitby Hydro Electric Corp.	UWGT
76	Woodstock Hydro Services Inc.	UWGT

Municipalities - Utility Asset Purchases by Hydro One Networks Inc.

77	AILSA CRAIG HS January 1 to November 30, 2000	UWGT
78	ARKONA HEC January 1 to December 19, 2000	UWGT
79	ARNPRIOR HEC	UWGT
80	ARRAN-ELDERSLIE PUC	UWGT
81	ARTEMESIA TWP. HEC January 1 to April 28, 2000	UWGT
82	BANCROFT PUC	UWGT
83	BATH HEC	UWGT
84	BLANDFORD-BLENHEIM PUC	UWGT
85	BLYTH HEC	UWGT
86	CARLETON PLACE HEC January 1 to August 29, 2000	UWGT
87	CENTRE HASTINGS HEC	UWGT
88	CHALK RIVER HEC January 1 to June 28, 2000	UWGT
89	CHAMPLAIN TWP. PUC	UWGT
90	CLARENCE-ROCKLAND HEC	UWGT
91	COBDEN HS January 1 to June 29, 2000	UWGT
92	DEEP RIVER HEC January 1 to December 14, 2000	UWGT
93	DESERONTO PUC	UWGT
94	DRYDEN HEC	UWGT
95	DUNDALK ENERGY SERVICES INC.	UWGT
96	DURHAM HEC January 1 to November 22, 2000	UWGT
97	EGANVILLE PUC	UWGT
98	EXETER HEC	UWGT
99	FOREST PUC	UWGT
100	GEORGINA HEC	UWGT
101	GLENCOE PUC	UWGT
102	GRAND BEND PUC January 1 to November 30, 2000	UWGT
103	HASTINGS PUC	UWGT
104	HAVELOCK-BELMONT-METHUEN HEC	UWGT
105	LANARK HIGHLANDS TWP. PUC	UWGT
106	LARDER LAKE HEC January 1 to January 14, 2001	UWGT
107	LATCHFORD HEC	UWGT
108	LUCAN/GRANTON HEC	UWGT
109	MALAHIDE TWP. HEC January 1 to November 30, 2000	UWGT
110	MAPLETON TWP. HEC	UWGT
111	MARKDALE HS	UWGT
112	MARMORA HEC	UWGT
113	McGARRY TWP. HS	UWGT
114	MEAFORD PUC	UWGT
115	MIDDLESEX CENTRE TWP. HEC Jan.1 to November 27, 2000	UWGT
116	NAPANEE HEC	UWGT
117	NIPIGON TWP. HEC	UWGT
118	NORTH DORCHESTER TWP. PUC Jan.1 to December 21, 2000	UWGT

119	NORTH DUNDAS TWP. HEC	UWGT
120	NORTH GLENGARRY TWP. HEC	UWGT
121	NORTH GRENVILLE TWP. HEC	UWGT
122	NORTH PERTH UTILITY COMMISSION	UWGT
123	NORTH STORMONT TWP. HEC	UWGT
124	PERTH EAST TWP. HEC	UWGT
125	PERTH PUC	UWGT
126	PRINCE EDWARD HYDRO INC.	UWGT
127	RAINY RIVER HYDRO INC.	UWGT
128	RAMARA TWP. HEC	UWGT
129	RED ROCK TWP. HS	UWGT
130	RUSSELL HS January 1 to August 15, 2000	UWGT
131	S.B.P. ENERGY INC. [Warton HEC]	UWGT
132	SCHREIBER TWP. HEC	UWGT
133	SHELBURNE HEC January 1 to December 18, 2000	UWGT
134	SMITHS FALLS HEC	UWGT
135	SOUTH GLENGARRY TWP. PUC	UWGT
136	SOUTH RIVER PUC	UWGT
137	SPRINGWATER TWP. HEC	UWGT
138	TERRACE BAY SUPERIOR WIRES INC.	UWGT
139	THEDFORD HEC January 1 to December 11, 2000	UWGT
140	THESSALON HYDRO DISTRIBUTION CORP.	UWGT
141	THORNDALE HS	UWGT
142	TWEED HEC	UWGT
143	WARDSVILLE HEC	UWGT
144	WARKWORTH HS	UWGT
145	WEST ELGIN HEC	UWGT
146	WYOMING HEC January 1 to December 8, 2000	UWGT

Fraser L. Pichette
Plaintiff

-and-

Toronto Hydro-Electric Commission
Defendant

Court File No: 94-CQ-50878

Jonathan Griffiths
Plaintiff

-and-

Toronto Hydro-Electric Commission
Defendant

Court File No: 98-CV-158062

ONTARIO
SUPERIOR COURT OF JUSTICE
PROCEEDING COMMENCED AT TORONTO

IMPLEMENTATION ORDER

FRASER MILNER CASGRAIN LLP
1 First Canadian Place, 100 King Street West,
Toronto, Ontario, M5X 1B2

Barbara Grossman (20947K)
Tel: (416) 863-4418
Fax: (416) 863-4592

THEALL GROUP LLP
4 King Street West, Suite 1410
Toronto, Ontario, M5H 1B6

Michael McGowan (19612J)
Dorothy Fong (37478H)
Tel: (416) 304-0115
Fax: (416) 304-1395

Lawyers for the Plaintiffs

APPENDIX “C”

EB-2010-0295

**STANDARD APPLICATION
OF RATES**

**FOR USE BY
MUNICIPAL ELECTRIC UTILITIES
IN ONTARIO**

Effective January 1, 1991

Supersedes Previous Editions

of

**Standard Application of Rates for Use by
Municipal Electric Utilities in Ontario**

As approved by Ontario Hydro

SECTION I - DEFINITIONS

January 1, 1991

1. Supply Authority refers to a municipal electric utility, operated by a commission, a committee of council or the trustees of a police village. Supply authority
2. The "customer" means the person or persons contracting for the supply of electric service or energy from the Supply Authority. Customer
3. "Contract," whether written or implied, means a contract for the supply of electric service or energy. Contract
4. "Electric Service" means the connection of the Supply Authority's distribution system to the customer's facilities to enable the customer to take a supply of electric energy. Electric service
5. The point of delivery is the interface between facilities and equipment owned by the Supply Authority and those owned by the customer. Point of delivery
6. Utilization voltage is the highest voltage at which the customer distributes power on his property. Utilization voltage
7. Supply voltage is the voltage at the point of delivery. Supply voltage
8. Emergency service means electrical service that may be required in an emergency to operate electrical equipment whose prime source of energy supply is from the Supply Authority's electrical system. Emergency service
9. Stand-by service means electrical service that is available to supply energy that may be required from time to time for applications whose prime source of energy supply is not from the Supply Authority's electrical system. Stand-by service
10. Seasonal residential service means electrical service to a single-family dwelling unit for domestic or household purposes and occupied seasonally or periodically. Seasonal residential service
11. Due date means the last day on which a bill is payable without application of a late payment charge or loss of a prompt payment discount as applicable. Due date

SECTION II - GENERAL POLICIES

- | | |
|--|------------------------------------|
| 1. Service and energy shall be supplied to the customer in accordance with the provisions of the Power Corporation Act and the Public Utilities Act upon application to the Supply Authority by the customer. | Governing legislation |
| 2. The supply of service and energy by the Supply Authority to the customer shall be subject to the clauses herein as amended from time-to-time, and to such terms and conditions as may be adopted by the Supply Authority. | Interpretations and regulations |
| 3. The supply of service and energy implies a contractual obligation between the Supply Authority and the customer. The Supply Authority, at its option, may enter into a written contract with the customer. The contractual obligation, whether implied or written, shall be considered as having a term of one year and be self-renewing from month to month thereafter. Notwithstanding the provisions of this paragraph, the Supply Authority may terminate the contract, where the customer no longer requires the supply of service and energy. | Supply contracts |
| 4. Upon request, the Supply Authority shall make available to the customer, the terms and conditions for the supply of service and energy. The terms and conditions for the supply of service and energy may be amended from time to time. | Terms of contracts |
| 5. All rates, rents and charges shall be in accordance with the schedules of the Supply Authority as approved by Ontario Hydro, where required. Such schedules may contain rates, rents and charges or their applications which are not specifically provided for in this publication. | Approval of rates by Ontario Hydro |
| 6. Service shall be provided at the voltages and number of phases as available from the Supply Authority for residential, commercial, industrial, or for special purposes. | Supply voltage |
| 7. There shall be no discrimination between customers of the same Supply Authority as to rates or service under like conditions of supply. | Nondiscrimination |
| 8. Where service is supplied to customers located outside the normal service area of the municipal utility with the approval of Ontario Hydro, the rates shall be as approved by Ontario Hydro. | Suburban service |
| 9. No customer excepting only the Government of Canada, shall resell any energy supplied by the Supply Authority. (Refer to Section VIII - Explanatory Notes) | Resale restrictions |
| 10. No customer shall use or dispose of, in an unapproved manner, any energy supplied by the Supply Authority. | Disposal restrictions |

11. Bills are payable in the net amount up to and including the due date which shall normally be a minimum of sixteen calendar days from the date of mailing or hand delivery of the Supplier's bill. Where the total amount billed has not been paid by the due date, the late payment charge or the loss of the prompt payment discount shall apply but only to the amount of the bill outstanding at the due date exclusive of arrears from previous billings. Partial payments will be applied to any outstanding arrears before being applied to the current billing. Payment
12. Immediately following the due date, steps shall be taken to collect the full amount of the bill. If the bill is still unpaid sixteen calendar days after the due date and seven calendar days after a disconnect notice has been given to the customer, the service may be discontinued and not restored until satisfactory payment arrangements have been made. Such discontinuance of service does not relieve the customer of the liability for arrears or minimum bills for the balance of the term of contract nor shall the Supply Authority be liable for any damage on the customer's premise resulting from such discontinuance of service. Disconnect notices will be in writing and if given by mail shall be deemed to be received on the third business day after mailing. Collection of arrears
- A charge, known as a collection charge, may be made if a trip is necessary to collect the account. Similarly a charge, known as a reconnection charge, may be made where the service has been disconnected and reconnected in order to collect the account; however, the customer shall be subject to only one of these charges in any billing period unless partial payments of the account have been accepted by the Supply Authority, in which case more than one collection and/or reconnection charge may be made but not exceeding the number of partial payments received by the Supply Authority. The amount of the charges for collection and for reconnection shall be as approved by Ontario Hydro.
13. Where billing errors have resulted in over billing, the customer will normally be credited with the amount erroneously paid for a period not exceeding six years. Billing errors
- Where billing errors have resulted in under billing, the customer will normally be charged with the amount erroneously not billed for a period not exceeding:
- (a) two years, in the case of an individual residential customer who was not responsible for the error, and
 - (b) six years, in other cases.

SECTION III - RESIDENTIAL SERVICE

1. All service supplied to single-family dwelling units for domestic or household purposes, including seasonal occupancy, shall be classed as residential service. Application

Multi-unit residential establishments such as apartment buildings supplied through one service (bulk metered) shall normally be classified as general service. At the utility's discretion, residential rates may be applied to apartment buildings with 6 or less units by simple application of the residential rate or by blocking the residential rate by the number of units.
2. The rates, rents and charges including any minimum charges, for residential service shall be as approved by Ontario Hydro. Accounts may be rendered monthly, bi-monthly or quarterly at the discretion of the supply authority. Rates
rents
and charges
3. Seasonal residential customers shall be billed at residential service rates with the account subject to a monthly minimum charge. At the discretion of the Supply Authority, the customer may be required to pay in advance for 12 months' minimum bills. Meters may be read at regular intervals during the period of occupancy and upon change of occupancy, and the account for kilowatthour consumption computed in the normal manner. As an alternative method of billing consumption, the meters may be read once a year at the end of the period of occupancy and the bills rendered at residential rates with the kilowatthours apportioned on the basis of the number of months of occupancy (minimum 3 months). Seasonal
residential
customers

In any event, credit shall be given, if applicable, for the prepaid minimum bills for the months of occupancy.
4. Energy for water heating may be supplied on a monthly flat-rate basis at rates approved by Ontario Hydro and under conditions of supply established by the Supply Authority. Flat-rate
water heating
5. Energy for sentinel lights may be supplied on a monthly flat-rate basis at rates approved by Ontario Hydro and under conditions of supply established by the Supply Authority. Sentinel
lights
6. Energy may be supplied on a monthly flat-rate basis to applications other than water heating and lighting, where conditions warrant, at rates approved by Ontario Hydro and under conditions of supply established by the Supply Authority. Other flat-
rate
services

1. All service supplied to premises other than those designated as residential under Section III, large users under Section V, or classified as municipal street lighting service under Section VI or commercial-industrial power under Section VII shall be classified as general service. Application

Multi-unit residential establishments such as apartment buildings supplied through one service (bulk metered) shall normally be classified as general service. At the utility's discretion, residential rates may be applied to apartment buildings with 6 or less units by simple application of the residential rate or by blocking the residential rate by the number of units.

2. Where service is provided to combined residential and business, or residential and agricultural, whether seasonal or all-year premises, and the wiring does not provide for separate metering, the service shall normally be classed as general service. Combined service
3. Where the Supply Authority supplies service to one or more general service customers whose load(s) individually is less than 5,000 kW but exceeds 10 per cent of the total load of the Supply Authority, such customers may be designated as Intermediate users and billed at special rates with the approval of Ontario Hydro. Intermediate user
4. Each location to which service is supplied for traffic signals and control lighting (other than municipal street lighting), sign and display lighting, telephone booths, cable television amplifiers and similar small loads scattered throughout the Supply Authority's distribution system, shall be considered as a separate service and billed at the general rate. The energy may either be measured or estimated at the discretion of the Supply Authority. Small scattered loads
5. The rates, rents and charges, including any minimum charges for general service shall be as approved by Ontario Hydro. Accounts may be rendered monthly bi-monthly or quarterly at the discretion of the Supply Authority. Rates rents and charges
6. The billing demand of a general service customer shall be based on the highest value recorded during a month on a thermal type recording or indicating demand meter with a standard nominal response time of 16 minutes or on an integrating type demand meter with a demand interval of 15 minutes. Billing demand

Lawrence E. Leonoff, Vice-President General Counsel and Secretary
Telephone (416) 592-2755

May 11, 1994

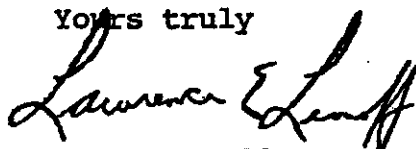
Hydro-Electric Commission of the
City of North York
5800 Yonge Street
NORTH YORK, Ontario M2M 3T3

Attn: M. Butler
Gen. Manager

Dear Sir or Madam:

I wish to inform you that, pursuant to Section 113 of the Power Corporation Act R.S.O. 1990, c.P.18, the request of the Hydro-Electric Commission of the City of North York to adopt the attached Schedule of Rates and Charges to be effective as indicated on the schedule and to supersede the existing schedule was approved by the Corporation on April 20, 1994.

Yours truly



L.E. Leonoff
Secretary

Enc.

HYDRO-ELECTRIC COMMISSION OF THE CITY OF NORTH YORK

SCHEDULE OF RATES AND CHARGES

Page:1

Approval

#94-018

Date:

Apr 20/94

APPLICATION

- Application of rates and charges shall be in accordance with the Standard Application of Rates and amendments thereto as approved by Ontario Hydro.
- No rates and charges for supplying power or rates and charges to meet the costs of any work or service done or furnished for the purpose of a supply of power shall be made except as permitted by the Standard Application of Rates or as specified herein.
- Miscellaneous Charges, as approved, may be waived at the discretion of the supply authority.

EFFECTIVE DATES

ENERGY - January 01, 1994 for all energy used on or after that date with the electrical energy used prior to that date billed at existing rates and estimated by proration based on meter reading dates.

EQUIPMENT RENTALS - January 01, 1994 for all rentals applicable on or after that date with rentals prior to that date billed at existing rental charges.

MISCELLANEOUS CHARGES - January 01, 1994 for all charges incurred by customers on or after that date.

Definitions :

Time periods for time-of-use rates:

(Eastern Standard Time)

Winter: all hours, October 1 through March 31

Summer: all hours, April 1 through September 30

Peak: 0700 to 2300 hours (local time) Monday to Friday inclusive, except for public holidays, including New Year's Day, Good Friday, Victoria Day, Canada Day, Civic Holiday (as in Toronto), Labour Day, Thanksgiving Day, Christmas and Boxing Day.

Off-Peak: all other hours

Sentinel Lighting (unmetered energy)

\$29.90 per kW of connected load - Winter

\$16.25 per kW of connected load - Summer

General Service

(0-2500 kW effective Jan 1, 1994)

(0 - 2000 kW effective Jul 1, 1994)

Regular:

Billing Demand

First	50 kW @	No Charge
Next	4950 kW @ \$ 5.35	per kW
Balance	kW @ \$ 13.45	per kW

Energy Charges

First	250 kW.h @	11.28¢ per kW.h
Next	12,250 kW.h @	8.15¢ per kW.h
Next	1,654,000 kW.h @	6.01¢ per kW.h
All additional	kW.h @	3.58¢ per kW.h

Standby Facility Charge (for customers with local generation)

\$1.00 per kW with customer owned transformers

\$1.60 per kW with utility owned transformers

applicable to the difference between the greater of the contracted demand or the maximum demand within the previous eleven months, and the billing demand for the current month.

MONTHLY RATES AND CHARGES

Residential Service

Regular:

First 250 kW.h @ 11.28¢ per kW.h

All additional kW.h @ 7.41¢ per kW.h

Minimum bill \$ 7.05

Time-of-Use: At Customer's Option

Service Charge \$ 8.15

Energy

Winter Peak Period:

All Energy @ 12.34¢ per kW.h

Winter Off-Peak Period:

All Energy @ 3.45¢ per kW.h

Summer Peak Period:

Summer Off-Peak Period:

All Energy @ 2.37¢ per kW.h

Allowance for Controlled Metered Water Heater

\$ 4.10 per unit

Controlled Flat Rate Water Heating

Charges as attached.

\$31.10 per kW of billing demand

For Water Heaters with element sizes of:

(RESIDENTIAL SERVICE ONLY)

3000/3000 watts \$39.65

4500/4500 watts \$59.96

Street Lighting

\$27.18 per kW of connected load - Winter

\$14.77 per kW of connected load - Summer

HYDRO-ELECTRIC COMMISSION OF THE CITY OF NORTH YORK

SCHEDULE OF RATES AND CHARGES

Page:2

Approval

#:94-018

Date:

Apr 20/91

General service time of use

(2500 - 5000 kW effective January 1, 1994)
(2000 - 5000 kW effective July 1, 1994)

Winter Period

Peak Period Billing Demand

First 50 kW @ \$ 0.00 per kW
Next 4950 kW @ \$ 5.60 per kW
Balance kW @ \$ 15.55 per kW

Off-Peak Transformer Charge @ \$ 0.60 per kW

-Applicable to the off-peak period demand corrected for power factor to 90% in excess of the peak period billing demand when the utility owns step-down transformers at the customer premises.

Peak Period Energy Charges

First 6875 kW.h @ 13.27¢ per kW.h
Next 1,018,000 kW.h @ 9.08¢ per kW.h
All additional kW.h @ 4.69¢ per kW.h

Off-Peak Period Energy Charges

All energy @ 3.45¢ per kW.h

Summer Period

Peak Period Billing Demand

First 50 kW @ \$ 0.00 per kW
Next 4950 kW @ \$ 4.60 per kW
Balance kW @ \$ 11.35 per kW

Off-Peak Transformer Charge @ \$ 0.60 per kW

-Applicable to the off-peak period demand corrected for power factor to 90% in excess of the peak period billing demand when the utility owns step-down transformers at the customer premises.

Peak Period Energy Charges

First 6875 kW.h @ 11.22¢ per kW.h
Next 1,018,000 kW.h @ 7.74¢ per kW.h
All additional kW.h @ 4.06¢ per kW.h

Off-Peak Period Energy Charges

All energy @ 2.37¢ per kW.h

Large-Use Service (over 5000 kW)

Time-of-Use:

Winter Period

Peak Period Billing Demand (60 min. Demand)

All kW @ \$ 15.80 per kW

Peak Period Energy @ 4.69¢ per kW.h

Off-Peak Period Energy @ 3.45¢ per kW.h

Summer Period

Peak Period Billing Demand (60 min. Demand)

All kW @ \$ 11.54 per kW

Peak Period Energy @ 4.06¢ per kW.h

Off-Peak Period Energy @ 2.37¢ per kW.h

Temporary Power

\$33.19 per kilowatt of the greater of the

alternative to the General Rate

General and Large-Use Service Minimum Bill

- under 50 kW of billing demand - \$ 7.05
- over 50 kW of billing demand - \$ 0.60 per kW of maximum billing demand during the previous eleven months or contracted amount whichever is greater

Transformer

Losses:

-adjustment shall be in accordance with Section IV, Clause 7 of the Standard Application of Rates

Allowance for Ownership:

(per kW of billing demand)

-service at less than 115 kV - \$ 0.60

Equipment Rental

Water Heater

- 40 gallon - \$ 4.60

- 60 gallon - \$ 4.85

Sentinel Light

- 250 watt - \$ 3.80

- 400 watt - \$ 4.35

MISCELLANEOUS CHARGES

Non-Payment of Account

Late payment - 5%

N.S.F. Cheques - Actual Bank Charges

Collection - \$ 8.80

Reconnection - \$ 17.60

Temporary Service - includes installation and removal

-for O/H Service - \$ 338.00

-three phase metering installation- \$ 500.00

-for U/G Service - \$1,193.50

Service Calls

Water Heater

-Customer-owned - plus material - \$ 25.10

Miscellaneous service

Pole relocation at the customer's request - \$1713.00

Pole Relocation - guy wires - \$ 600.00

Graphic meter recording

(includes installation and removal)

-total-charge for the first week- \$ 375.00

-plus a daily charge @ \$ 11.43

Customer Administration

Change of Occupancy - \$ 8.80

Written Easement or Account

Certificate - \$ 15.00

HYDRO-ELECTRIC COMMISSION OF THE CITY OF NORTH YORK

SCHEDULE OF RATES AND CHARGES

Page:3

Approval

#: 94-018

Date:

Apr 20/94

General and Large-Use Service Minimum Bill

- under 50 kW of billing demand - \$ 7.05
- over 50 kW of billing demand - \$ 0.60 per kW of maximum billing demand during the previous eleven months or contracted amount whichever is greater

Transformer

Losses:

- adjustment shall be in accordance with Section IV, Clause 7 of the Standard Application of Rates

Allowance for Ownership:

(per kW of billing demand)

- service at less than 115 kV - \$ 0.60

Equipment Rental

- Water Heater
 - 40 gallon - \$ 4.60
 - 60 gallon - \$ 4.85
- Sentinel Light
 - 250 watt - \$ 3.80
 - 400 watt - \$ 4.35

MISCELLANEOUS CHARGES

Non-Payment of Account

- Late payment - 5% ✓
- N.S.F. Cheques - Actual Bank Charges
- Collection - \$ 8.80 ✓
- Reconnection - \$ 17.60 ✓

Temporary Service - includes installation and removal

- for O/H Service - \$ 338.00
- three phase metering installation - \$ 500.00
- for U/G Service - \$1,193.50

Service Calls

- Water Heater
 - Customer-owned - plus material - \$ 25.10

Miscellaneous service

- Pole relocation at the customer's request - \$1713.00
- Pole Relocation - guy wires - \$ 600.00
- Graphic meter recording (includes installation and removal)
 - total charge for the first week - \$ 375.00
 - plus a daily charge @ \$ 11.43

Customer Administration

- Change of Occupancy - \$ 8.80
- Written Easement or Account Certificate - \$ 15.00

Mar. 16 - cc - J. Brooks
C. Buckle
C. David Nolan

Ontario Hydro
700 University Avenue
Toronto, Ontario
M5G 1X

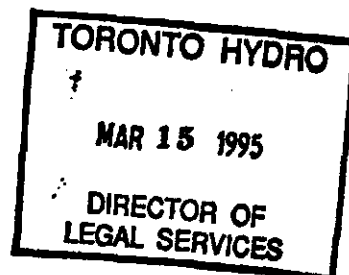
MAR 21 1995

Lawrence E. Leonoff, Senior Vice-President, General Counsel and Secretary
Telephone (416) 592-275

MARKETING
MANAGEMENT DEPT.

March 8, 1995

Toronto Hydro-Electric System
14 Carlton Street
TORONTO, Ontario M5B 1K5



Attention: I.B. MacOdrum
Secy & Legal Counsel

Dear Sir/Madam:

APPROVAL OF USE OF FUNDS, BORROWING AND RATE ADJUSTMENT

I wish to inform you that, pursuant to Section 120 of the Power Corporation Act R.S.O. 1990, c.P.18, the request of the Toronto Hydro-Electric System to utilize funds over and above current operating requirements for construction and extension of works in the amount of \$69,737,000 during 1995, including \$60,929,151 carried forward from 1994, was approved by the Corporation on December 23, 1994.

At the same time, approval was given for the purchase during 1995 of securities authorized under Section 120 of the said Act, with terms up to one year, such that the total amount of securities held at any one time does not exceed \$80,000,000.

Attached is a copy of a letter dated March 8, 1995 to the Corporation of the City of Toronto giving Ontario Hydro's decision, pursuant to Section 112 of the Power Corporation Act R.S.O. 1990, c.P.18, for the Corporation of the City of Toronto to apply to the Municipality of Metropolitan Toronto to issue debentures or borrow by other means an amount of \$35,000,000 to provide funds required by the Toronto Hydro-Electric System for construction and extension of works during 1995, provided such borrowing occurs within three years of the date of this assent. This assent to borrowing and utilization of funds comprise a total capital expenditure during 1995 of \$104,737,000. Also approved was the rescinding of the \$35,000,000 assent to borrowing given to the Corporation of the City of Toronto on January 29, 1992.

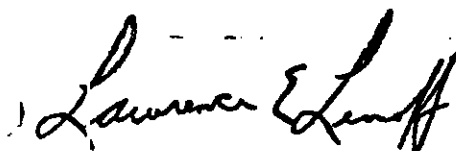
- 2 -

Toronto Hydro-Electric System

March 8, 1995

Approval was also given, pursuant to Section 113 of the Power Corporation Act R.S.O. 1990 c.P.18, for the Toronto Hydro-Electric System to adopt the attached Schedule of Rates and Charges to be effective as indicated on the schedule and to supersede the existing schedule.

Yours truly,

A handwritten signature in dark ink, appearing to read "L.E. Leonoff", is written over a horizontal line.

L.E. Leonoff

Enc.

March 8, 1995

Corporation of the City of Toronto
100 Queen Street West
TORONTO, Ontario
M5H 2N2

Attention: B. Caplan
Clerk

Dear Sir/Madam:

ASSENT TO BORROWING

I wish to inform you that Ontario Hydro gave approval on December 23, 1994, pursuant to Section 112 of the Power Corporation Act R.S.O. 1990, c.P.18, for the Corporation of the City of Toronto to apply to the Municipality of Metropolitan Toronto to issue debentures or borrow by other means an amount of \$35,000,000 to provide funds required by the Toronto Hydro-Electric System for construction and extension of works during 1995, provided such borrowing occurs within three years of the date of this assent. Also approved was the rescinding of the \$35,000,000 assent to borrowing given to the Corporation of the City of Toronto on January 29, 1992.

Yours truly,

INFORMATION COPY
ORIGINAL SIGNED BY
L. E. LEONOFF

L.E. Leonoff

cc - L.E. Leonoff
M. Cornacchia H10-F5 - Key
Toronto Hydro-Electric System
Records
Rates

TORONTO HYDRO
SCHEDULE OF PROPOSED RATES
EFFECTIVE: JANUARY 1, 1995

PROPOSED
RATES

RESIDENTIAL METERED CONSUMPTION

First 250 kilowatt-hour per month	(per kWh)	\$0.1244
Balance of monthly kilowatt-hours	(per kWh)	\$0.0826
Minimum Bill	(per mo.)	\$7.4000

RESIDENTIAL TIME OF USE RATE (PILOT PROGRAM)

Customer charge	(per mo.)	\$9.6200
-----------------	-----------	----------

Winter:

Peak Energy Charge	(per kWh)	\$0.1601
Shoulder Energy Charge	(per kWh)	\$0.0826
Off-Peak Energy Charge	(per kWh)	\$0.0352

Summer:

Peak Energy Charge	(per kWh)	\$0.1369
Shoulder Energy Charge	(per kWh)	\$0.0826
Off-Peak Energy Charge	(per kWh)	\$0.0242

BULK-METERED MULTIPLE-UNIT RESIDENTIAL
BUILDINGS WITH BULK ELECTRIC WATER HEATING

Winter:

Demand Charge	(per kW)	\$11.080
Peak and Shoulder Energy Charge	(per kWh)	\$0.0822
Off-Peak Energy Charge	(per kWh)	\$0.0352

Summer:

Demand Charge	(per kW)	\$8.9700
Peak and Shoulder Energy Charge	(per kWh)	\$0.0686
Off-Peak Energy Charge	(per kWh)	\$0.0242

TORONTO HYDRO
SCHEDULE OF PROPOSED RATES
EFFECTIVE: JANUARY 1, 1995

PROPOSED
RATES

COMMERCIAL/INDUSTRIAL METERED CONSUMPTION
(MONTHLY DEMANDS OF LESS THAN 1,000 KW)

Demand Charge	(per kW)	\$5.9200
1st 100 hrs use of monthly demand	(per kWh)	\$0.1000
Next 100 hrs use of monthly demand	(per kWh)	\$0.0751
Balance of monthly kilowatt-hours	(per kWh)	\$0.0500
Minimum Bill	(per mo.)	\$7.4000

TEMPORARY POWER - COMMERCIAL/INDUSTRIAL

Demand Charge	(per kW)	\$7.4000
1st 100 hrs use of monthly demand	(per kWh)	\$0.1000
Next 100 hrs use of monthly demand	(per kWh)	\$0.0751
Balance of monthly kilowatt-hours	(per kWh)	\$0.0500
Minimum Bill	(per mo.)	\$7.4000

MUNICIPAL STREET LIGHTING

Net charge per annum for power delivered
to the street lighting fixture

Winter (per kW per month)	\$ 30.71
Summer (per kW per month)	\$ 18.09

TORONTO HYDRO
SCHEDULE OF PROPOSED RATES
EFFECTIVE: JANUARY 1, 1995

**PROPOSED
RATES**

**CUSTOMERS WITH MAXIMUM MONTHLY
DEMANDS OF 5,000 kW OR GREATER
(LARGE USER)**

Winter:

Demand Charge, 1st 5000 kW	(per kW)	\$10.0800
Demand Charge, Balance of kW	(per kW)	\$12.7400
Peak Energy Charge, 1st 195,000 kWh	(per kWh)	\$ 0.0956
Peak Energy Charge, next 850,000 kWh	(per kWh)	\$ 0.0785
Peak Energy Charge, balance of kWh	(per kWh)	\$ 0.0694
Off-Peak Energy Charge	(per kWh)	\$ 0.0352

Summer:

Demand Charge, 1st 5000 kW	(per kW)	\$ 8.2400
Demand Charge, Balance of kW	(per kW)	\$ 9.9800
Peak Energy Charge, 1st 195,000 kWh	(per kWh)	\$ 0.0814
Peak Energy Charge, next 850,000 kWh	(per kWh)	\$ 0.0655
Peak Energy Charge, balance of kWh	(per kWh)	\$ 0.0596
Off-Peak Energy Charge	(per kWh)	\$ 0.0242

TORONTO HYDRO
SCHEDULE OF PROPOSED RATES
EFFECTIVE: JANUARY 1, 1995

PROPOSED
RATES

**CUSTOMERS WITH MAXIMUM MONTHLY
DEMANDS OF 1,000 - 4,999
(MEDIUM USERS)**

Winter:

Demand Charge, 1st 5000 kW	(per kW)	\$10.0800
Demand Charge, Balance of kW	(per kW)	\$12.7400
Peak Energy Charge, 1st 195,000 kWh	(per kWh)	\$ 0.0956
Peak Energy Charge, next 850,000 kWh	(per kWh)	\$ 0.0785
Peak Energy Charge, balance of kWh	(per kWh)	\$ 0.0694
Off-Peak Energy Charge	(per kWh)	\$ 0.0352

Summer:

Demand Charge, 1st 5000 kW	(per kW)	\$ 8.2400
Demand Charge, Balance of kW	(per kW)	\$ 9.9800
Peak Energy Charge, 1st 195,000 kWh	(per kWh)	\$ 0.0814
Peak Energy Charge, next 850,000 kWh	(per kWh)	\$ 0.0655
Peak Energy Charge, balance of kWh	(per kWh)	\$ 0.0596
Off-Peak Energy Charge	(per kWh)	\$ 0.0242

TORONTO HYDRO
SCHEDULE OF PROPOSED COGENERATION RATES
EFFECTIVE: JANUARY 1, 1995

PROPOSED
RATES

STANDBY CHARGE (per kW)

\$ 1.34

BACK-UP POWER RATE

WINTER

DEMAND

\$19.1000

ENERGY - PEAK

\$ 0.0461

ENERGY - OFF-PEAK

\$ 0.0369

SUMMER

DEMAND

\$13.9000

ENERGY - PEAK

\$ 0.0405

ENERGY - OFF-PEAK

\$ 0.0253

SUPPLEMENTARY POWER RATE

> 1,000 kW

COMMERCIAL/INDUSTRIAL TIME OF USE RATE

< 1,000 kW

REGULAR COMMERCIAL/INDUSTRIAL RATE

TORONTO HYDRO
SCHEDULE OF PROPOSED CHARGES AND DISCOUNTS
EFFECTIVE: JANUARY 1, 1995

1. A late payment charge of 5% will be applied to payments received after the due date.
2. **Premises of Worship** - The discount will be 35% from the Commercial/Industrial Rate.
3. **Transformation Allowance:**

Supply at 4.16 KV - \$0.60 per kW;
Supply at 13.8 KV - \$1.10 per kW.

The discount is per kW per month of billing demand from the applicable rates.

4. **Billing Adjustment**

A 1% discount from both the applicable energy and demand rates will be applied to services supplied at 13.8 KV and 4.16 KV. As the energy and demand are metered on the primary side, this adjustment is to recognize the transformer losses incurred.

TORONTO HYDRO

**PROPOSED RATES FOR
RESIDENTIAL AND COMMERCIAL
SYSTEM OWNED FLAT RATE WATER HEATERS**

FLIP-FLOP ELEMENTS

PROPOSED RATES

Effective
January 1, 1995

<u>Size of Heater</u>		<u>Monthly Energy Charge</u>	<u>Monthly Rental Charge</u>
<u>Watts</u>	<u>Gallons</u>		
400	30	\$11.09	\$ 4.45
500	30	\$13.34	\$ 4.45
600	30	\$15.58	\$ 4.45
700	40	\$17.83	\$ 5.51
800	40	\$20.08	\$ 5.51
900	40	\$22.32	\$ 5.51
1,000	40	\$24.58	\$ 5.51
1,200	60	\$29.06	\$ 6.11
1,300	60	\$31.30	\$ 6.11
1,500	60	\$36.14	\$ 6.11
2,000	100	\$47.48	\$11.92
2,500	100	\$58.83	\$11.92
3,000	100	\$70.16	\$11.92

For element ratings above 3,000 Watts the following charges are applied:

Energy

\$70.16 per month plus an incremental charge of
\$2.268 per 100 Watts in excess of 3,000 Watts.

Rental

\$11.92 per month plus an incremental charge of
\$0.288 per 100 Watts in excess of 3,000 Watts.

TORONTO HYDRO

**PROPOSED RATES FOR
RESIDENTIAL AND COMMERCIAL
CUSTOMER OWNED FLAT RATE WATER HEATERS**

FLIP-FLOP ELEMENTS

PROPOSED RATES

Effective

January 1, 1995

<u>Size of Heater</u>		<u>Monthly Energy Charge</u>
<u>Watts</u>	<u>Gallons</u>	
400	30	\$11.09
500	30	\$13.34
600	30	\$15.58
700	40	\$17.83
800	40	\$20.08
900	40	\$22.32
1,000	40	\$24.58
1,200	60	\$29.06
1,300	60	\$31.30
1,500	60	\$36.14
2,000	100	\$47.48
2,500	100	\$58.83
3,000	100	\$70.16

For element ratings above 3,000 Watts the following charges are applied:

Energy

**\$70.16 per month plus an incremental charge of
\$2.268 per 100 Watts in excess of 3,000 Watts.**

TORONTO HYDRO

**PROPOSED RATES FOR
RESIDENTIAL AND COMMERCIAL
SYSTEM OWNED FLAT RATE WATER HEATERS**

FAST RECOVERY (CASCADE) ELEMENTS

PROPOSED RATES

Effective
January 1, 1995

<u>Size of Heater</u>		<u>Monthly Energy Charge</u>	<u>Monthly Rental Charge</u>
<u>Kilowatt</u>	<u>Gallon</u>		
1.0 / 3.0	40	\$26.06	\$ 5.51
3.0 / 3.0	40	\$38.29	\$ 5.51
1.0 / 3.0	60	\$29.37	\$ 6.11
1.5 / 4.5	60	\$38.29	\$ 6.11
1.5 / 4.5	Dom - 80	\$43.32	\$ 8.33
1.5 / 4.5	80	\$43.32	\$11.25
2.0 / 6.0	Dom - 80	\$50.25	\$ 8.33
2.0 / 6.0	80	\$50.25	\$11.25
2.0 / 6.0	100	\$50.25	\$11.92

TORONTO HYDRO

**PROPOSED RATES FOR
RESIDENTIAL AND COMMERCIAL
CUSTOMER OWNED FLAT RATE WATER HEATERS**

FAST RECOVERY (CASCADE) ELEMENTS

PROPOSED RATES

Effective
January 1, 1995

<u>Size of Heater</u>		<u>Monthly Energy Charge</u>
<u>Kilowatt</u>	<u>Gallons</u>	
1.0 / 3.0	40	\$26.06
3.0 / 3.0	40	\$38.29
1.0 / 3.0	60	\$29.37
1.5 / 4.5	60	\$38.29
1.5 / 4.5	Dom- 80	\$43.32
1.5 / 4.5	80	\$43.32
2.0 / 6.0	Dom- 80	\$50.25
2.0 / 6.0	80	\$50.25
2.0 / 6.0	100	\$50.25

TORONTO HYDRO

**PROPOSED RATES FOR
RESIDENTIAL AND COMMERCIAL
OFF-PEAK SYSTEM OWNED WATER HEATERS**

PROPOSED RATES

Effective
January 1, 1995

<u>Size of Heater</u>		<u>Monthly Energy Charge</u>
<u>Kilowatt</u>	<u>Gallon</u>	
3.0 / 3.0	40	\$13.48
3.0 / 3.0	60	\$19.83
4.5 / 4.5	80	\$26.05
4.5 / 4.5	100	\$30.39

Note: Tanks are controlled "OFF" continually during the peak period.

TORONTO HYDRO

**PROPOSED RENTAL RATES FOR
RESIDENTIAL AND COMMERCIAL
SYSTEM OWNED WATER HEATER TANKS**

PROPOSED RATES

Effective

January 1, 1995

Tank Size
(in Imperial Gallons)

Monthly
Rental Charge

30	\$ 4.45
40	\$ 5.51
60	\$ 6.11
Domestic - 80	\$ 8.33
80	\$11.25
100	\$11.92
H.D.101 (100)	\$15.43
120	\$18.22

TORONTO HYDRO

**PROPOSED REBATES FOR
CONTROL OF METERED
WATER HEATING LOAD**

PROPOSED REBATES

Effective
January 1, 1995

Monthly
Rebate
Amount

All Standard Water Heaters
with Flip-Flop Elements.

\$1.84 / kW

Cascade Water Heaters:

Size of Heater

Kilowatt Gallon

1.0 / 3.0	40	\$1.92 / tank
3.0 / 3.0	40	\$2.88 / tank
1.0 / 3.0	60	\$2.55 / tank
1.5 / 4.5	60	\$2.88 / tank
1.5 / 4.5 Dom-	80	\$3.51 / tank
1.5 / 4.5	80	\$3.51 / tank
2.0 / 6.0 Dom-	80	\$3.83 / tank
2.0 / 6.0	80	\$3.83 / tank
2.0 / 6.0	100	\$4.47 / tank

TORONTO HYDRO

**SCHEDULE OF SPECIFIC SERVICE CHARGES
EFFECTIVE JANUARY 1, 1995**

<u>NAME OF SPECIFIC SERVICE CHARGE</u>	<u>AMOUNT ASSESSED</u>
1) RECONNECTION CHARGES	
(a) reconnection during regular hours	\$ 17.60
(b) reconnection after-hours	\$ 27.80
2) METER CHECK	
(Installation of a recording meter to provide usage information to a customer)	\$ 70.00 up to and including 30 days per location.
3) COMPUTER PRINTOUT OF COMPLETE METER DATA	
This schedule of charges recovers the cost incurred to provide a computer printout of complete meter data at the request of customers who are metered by R.I.M.S.	
a) for each archive tape used	\$ 15.00
b) for each RIMS ID data extracted	\$ 15.00
c) for totalization of multiple RIMS recorders	\$ 5.00
d) for each printed report	\$ 20.00
e) for each printed graph	\$ 20.00
f) for each file on diskette	\$ 20.00
4) RETURNED CHEQUE FEE	\$ 14.00
5) ARREARS CERTIFICATE	\$ 15.00

<u>NAME OF SPECIFIC SERVICE CHARGE</u>	<u>AMOUNT ASSESSED</u>
6) LIGHTS OUT - WIRING AND FUSING	Material cost
7) POLE/GUY WIRE RELOCATIONS	
a) clear driveway for private owner	\$930.00
b) relocate or remove guy wire	\$210.00
8) TRANSFORMERS INSTALLED DUE TO VOLTAGE CHANGE	
This nominal charge per annum is to establish ownership of the transformer.	\$ 1.00
9) DEMAND METER RENTALS	
a) Demand Meter Without Current Transformer or R.I.M.S. - per month	\$ 0.75
b) Demand Meter With Current Transformer but without R.I.M.S. - per month	\$ 1.50
c) R.I.M.S. - per month	\$ 6.50
10) DAMAGE TO OR LOSS OF METERING EQUIPMENT	
a) minor damage or broken glass	\$ 40.00
b) meter missing or badly damaged	\$ 54.00
11) ENERGY CONTROLLER RENTAL	\$ 1.75/unit
12) HEAT LOSS/GAIN CALCULATIONS	
This charge is to recover the costs associated with performing heat loss/gain calculations.	\$100.00

<u>NAME OF SPECIFIC SERVICE CHARGE</u>	<u>AMOUNT ASSESSED</u>
13) ENERGY AUDIT	
a) Residential, Commercial/Industrial < 100 kW	\$ 30.00
b) Commercial/Industrial 100 - 1000 kW	\$ 75.00
c) Commercial/Industrial > 1000 kW	\$100.00
14) PORTABLE METER RENTAL	
a) Rental	\$ 4.00/week
b) Optional pickup/delivery	\$ 15.00/trip
15) ACCOUNT SET UP CHARGE	\$ 8.80
16) METER DISPUTE CHARGE	\$ 5.00

TORONTO HYDRO

JAN 23 1996

Lawrence E. Leonoff, Senior Vice-President, General Counsel and Secretary
DIRECTOR OF
LEGAL SERVICES
Telephone (416) 592-2755, Fax (416) 592-1480

January 12, 1996

Toronto Hydro-Electric System
14 Carlton Street
TORONTO, Ontario M5B 1K5

Attention: I.B. MacOdrum
Secy & Legal Counsel

TORONTO HYDRO

JAN 24 1996

DIRECTOR OF
CONSUMERS SERVICE

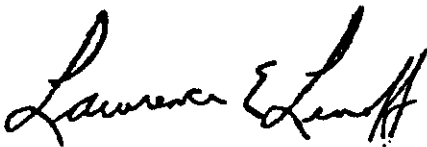
Dear Sir/Madam:

APPROVAL OF USE OF FUNDS AND RATE ADJUSTMENT

I wish to inform you that, pursuant to Section 120 of the Power Corporation Act R.S.O. 1990, c.P.18, the request of the Toronto Hydro-Electric System to utilize funds over and above current operating requirements for construction and extension of works in the amount of \$89,395,200 during 1996 was approved by the Corporation on December 20, 1995.

Approval was also given, pursuant to Section 113 of the Power Corporation Act R.S.O. 1990 c.P.18, for the Toronto Hydro-Electric System to adopt the attached Schedule of Rates and Charges to be effective as indicated on the schedule and to supersede the existing schedule.

Yours truly,



L.E. Leonoff

Enc.

P2.

ATTACHMENT 'A'

Page 6 of 6

**TORONTO HYDRO
SCHEDULE OF PROPOSED CHARGES AND DISCOUNTS**

APPLICATION

- Application of rates and charges shall be in accordance with the Standard Application of Rates and Charges and amendments thereto as approved by Ontario Hydro.
- No rates and charges for supplying power or rates and charges to meet the costs of any work or service done or furnished for the purpose of a supply of power shall be made except as permitted by the Standard Application of Rates and Charges or as specified herein.
- Specific Service Charges, as approved, may be waived at the discretion of the supply authority.

EFFECTIVE DATES

ENERGY – January 01, 1996 for all energy used on or after that date with the electrical energy used prior to that date billed at existing rates and estimated by proration based on meter reading dates.

EQUIPMENT RENTALS –

January 01, 1996 for all rental applicable on or after that date with rentals prior to that date billed at existing rental charges.

SPECIFIC SERVICE CHARGES

January 01, 96 for all charges incurred by customers on or after that date.

TIME PERIOD DEFINITION FOR TIME OF USE RATES

Winter: All hours, October 1 through March 31
 Summer: All hours, April 1 through September 30
 Peak: 0900 to 2000 (local time) Monday to Friday inclusive, except for public holidays, including New Year's Day, Good Friday, Victoria Day, Canada Day, Civic Holiday, Labour Day, Thanksgiving Day, Christmas & Boxing Day
 Shoulder: 0700 to 0900 and 2000 to 2300 (local time) Monday to Friday inclusive, except for public holidays, including New Year's Day, Good Friday, Victoria Day, Canada Day, Civic Holiday, Labour Day, Thanksgiving Day, Christmas & Boxing Day
 Off-peak: all other hours

DISCOUNTS AND CHARGES

1. **Late payment Charge** – A late payment charge of 5% will be applied to payments received after the due date.
2. **Premises of Worship** – The discount will be 30% from the Commercial/Industrial Rate.
3. **Transformer Ownership Allowance:**
 - Supply at 4.16 KV – \$0.60 per kW of billing demand per month
 - Supply at 13.8 kV – \$0.90 per kW of billing demand per month
4. **Transformer Losses Adjustment:**

A 1% discount from both the applicable energy and demand rates will be applied to services supplied at 13.8KV and 4.16 KV. As the energy and demand are metered on the primary side, this adjustment is to recognize the transformer losses incurred, and is made in accordance with Section IV, clause 7 of the Standard Application of Rates and Charges.

ATTACHMENT 'A'

Page 1 of 6

**TORONTO HYDRO
SCHEDULE OF PROPOSED RATES
EFFECTIVE JANUARY 1, 1996**

**PROPOSED
RATES****/ RESIDENTIAL METERED CONSUMPTION**

First 250 kilowatt-hour per month	(per kWh)	\$0.1238
Balance of monthly kilowatt-hours	(per kWh)	\$0.0818
Minimum Bill	(per month)	\$7.4000

X RESIDENTIAL TIME OF USE RATE (PILOT PROGRAM)

Customer charge	(per month)	\$9.6200
-----------------	-------------	----------

Winter:

Peak Energy Charge	(per kWh)	\$0.1479
Shoulder Energy Charge	(per kWh)	\$0.0818
Off-Peak Energy Charge	(per kWh)	\$0.0435

Summer:

Peak Energy Charge	(per kWh)	\$0.1237
Shoulder Energy Charge	(per kWh)	\$0.0818
Off-Peak Energy Charge	(per kWh)	\$0.0330

**BULK-METERED MULTIPLE-UNIT RESIDENTIAL
BUILDINGS WITH BULK ELECTRIC WATER HEATING**

Winter:

Demand Charge	(per kW)	\$10.5300
Peak and Shoulder Energy Charge	(per kWh)	\$0.0752
Off-Peak Energy Charge	(per kWh)	\$0.0385

Summer:

Demand Charge	(per kW)	\$8.5200
Peak and Shoulder Energy Charge	(per kWh)	\$0.0628
Off-Peak Energy Charge	(per kWh)	\$0.0280

ATTACHMENT 'A'
Page 2 of 6

**TORONTO HYDRO
SCHEDULE OF PROPOSED RATES
EFFECTIVE JANUARY 1, 1996**

**PROPOSED
RATES**

✓ **COMMERCIAL/INDUSTRIAL METERED CONSUMPTION
MONTHLY DEMANDS OF LESS THAN 1,000 KW)**

Demand Charge	(per kW)	\$5.5000
1st 100 hrs use of monthly demand	(per kWh)	\$0.0995
Next 100 hrs use of monthly demand	(per kWh)	\$0.0746
Balance of monthly kilowatt-hours	(per kWh)	\$0.0498
Minimum Bill	(per month)	\$7.4000

✓ **TEMPORARY POWER – COMMERCIAL/INDUSTRIAL**

Demand Charge	(per kW)	\$5.5000
1st 100 hrs use of monthly demand	(per kWh)	\$0.0995
Next 100 hrs use of monthly demand	(per kWh)	\$0.0746
Balance of monthly kilowatt-hours	(per kWh)	\$0.0498
Minimum Bill	(per month)	\$7.4000

✓ **MUNICIPAL STREET LIGHTING**

Winter (per kW per month)	\$30.29
Summer (per kW per month)	\$18.22

**TORONTO HYDRO
SCHEDULE OF PROPOSED RATES
EFFECTIVE JANUARY 1, 1996**

**PROPOSED
RATES**

**CUSTOMERS WITH MAXIMUM MONTHLY
DEMANDS OF 5,000 kW OR GREATER
(LARGE USER)**

Winter:

Demand Charge, 1st 5000 kW	(per kW)	\$9.6800
Demand Charge, Balance of kW	(per kW)	\$12.4900
Peak Energy Charge, 1st 195,000 kWh	(per kWh)	\$0.0913
Peak Energy Charge, next 850,000 kWh	(per kWh)	\$0.0737
Peak Energy Charge, balance of kWh	(per kWh)	\$0.0637
Off-Peak Energy Charge	(per kWh)	\$0.0385

Summer:

Demand Charge, 1st 5000 kW	(per kW)	\$7.9100
Demand Charge, Balance of kW	(per kW)	\$9.7800
Peak Energy Charge, 1st 195,000 kWh	(per kWh)	\$0.0778
Peak Energy Charge, next 850,000 kWh	(per kWh)	\$0.0615
Peak Energy Charge, balance of kWh	(per kWh)	\$0.0547
Off-Peak Energy Charge	(per kWh)	\$0.0280

ATTACHMENT 'A'

Page 4 of 6

**TORONTO HYDRO
SCHEDULE OF PROPOSED RATES
EFFECTIVE JANUARY 1, 1996**

**PROPOSED
RATES**

**CUSTOMERS WITH MAXIMUM MONTHLY
DEMANDS OF 1,000 – 4,999 kW
(MEDIUM USERS)**

Winter:

Demand Charge, 1st 5000 kW	(per kW)	\$9.6800
Demand Charge, Balance of kW	(per kW)	\$12.4900
Peak Energy Charge, 1st 195,000 kWh	(per kWh)	\$0.0913
Peak Energy Charge, next 850,000 kWh	(per kWh)	\$0.0737
Peak Energy Charge, balance of kWh	(per kWh)	\$0.0637
Off-Peak Energy Charge	(per kWh)	\$0.0385

Summer:

Demand Charge, 1st 5000 kW	(per kW)	\$7.9100
Demand Charge, Balance of kW	(per kW)	\$9.7800
Peak Energy Charge, 1st 195,000 kWh	(per kWh)	\$0.0778
Peak Energy Charge, next 850,000 kWh	(per kWh)	\$0.0615
Peak Energy Charge, balance of kWh	(per kWh)	\$0.0547
Off-Peak Energy Charge	(per kWh)	\$0.0280

**TORONTO HYDRO
SCHEDULE OF PROPOSED COGENERATION RATES
EFFECTIVE JANUARY 1, 1996**

**PROPOSED
RATES**

STANDBY CHARGE (per kW)

\$1.34

BACK-UP POWER RATE

Winter:

Demand	(per kW)	\$19.1000
Energy - Peak	(per kWh)	\$0.0461
Energy - Offpeak	(per kWh)	\$0.0369

Summer:

Demand	(per kW)	\$13.9000
Energy - Peak	(per kWh)	\$0.0405
Energy - Offpeak	(per kWh)	\$0.0253

SUPPLEMENTARY POWER RATE

>1,000 kW	Commercial/Industrial Time of Use Rate
<1,000 kW	Regular Commercial/Industrial Rate

ATTACHMENT "B"

**TORONTO HYDRO
PROPOSED RATES FOR
RESIDENTIAL & COMMERCIAL
SYSTEM OWNED FLAT RATE WATER HEATERS**

FLIP-FLOP ELEMENTS :

**PROPOSED RATES
Effective
January 1, 1996**

Size of Heater			Monthly Energy Charge	Monthly Rental Charge
	<u>Watts</u>	<u>Gallon</u>		
	400	30	\$10.99	\$4.45
	500	30	\$13.21	\$4.45
	600	30	\$15.43	\$4.45
	700	40	\$17.66	\$5.51
	800	40	\$19.88	\$5.51
	900	40	\$22.11	\$5.51
	1000	40	\$24.34	\$5.51
	1200	60	\$28.78	\$6.11
	1300	60	\$31.00	\$6.11
	1500	60	\$35.79	\$6.11
	2000	100	\$47.02	\$11.92
	2500	100	\$58.26	\$11.92
	3000	100	\$69.48	\$11.92

For elements rating above 3000 Watts the following charges are applied:

Energy :

\$69.48 per month plus an incremental charge of \$2.246 per 100 Watts in excess of 3,000 Watts.

Rental :

\$11.92 per month plus an incremental charge of \$0.288 per 100 Watts in excess of 3,000 Watts.

ATTACHMENT "C"

**TORONTO HYDRO
PROPOSED RATES FOR
RESIDENTIAL & COMMERCIAL
CUSTOMER OWNED FLAT RATE WATER HEATERS**

FLIP--FLOP ELEMENTS :

**PROPOSED RATES
Effective
January 1, 1996**

Size of Heater		Monthly Energy Charge
<u>Watts</u>	<u>Gallon</u>	
400	30	\$10.99
500	30	\$13.21
600	30	\$15.43
700	40	\$17.66
800	40	\$19.88
900	40	\$22.11
1000	40	\$24.34
1200	60	\$28.78
1300	60	\$31.00
1500	60	\$35.79
2000	100	\$47.02
2500	100	\$58.26
3000	100	\$69.48

For elements rating above 3,000 Watts the following charge is applied:

Energy :

\$69.48 per month plus an incremental charge of \$2.246 per 100 Watts in excess of 3,000 Watts.

ATTACHMENT "D"

**TORONTO HYDRO
PROPOSED RATES FOR
RESIDENTIAL & COMMERCIAL
SYSTEM OWNED FLAT RATE WATER HEATERS**

FAST RECOVERY (CASCADE) ELEMENTS :

PROPOSED RATES

**Effective
January 1, 1996**

Size of Heater		Monthly Energy Charge	Monthly Rental Charge
<u>Kilowatt</u>	<u>Gallon</u>		
1.0 / 3.0	40	\$25.81	\$5.51
3.0 / 3.0	40	\$37.92	\$5.51
1.0 / 3.0	60	\$29.08	\$6.11
1.5 / 4.5	60	\$37.92	\$6.11
1.5 / 4.5 Light Duty	80	\$42.90	\$8.33
1.5 / 4.5	80	\$42.90	\$11.25
2.0 / 6.0 Light Duty	80	\$49.77	\$8.33
2.0 / 6.0	80	\$49.77	\$11.25
2.0 / 6.0	100	\$49.77	\$11.92

ATTACHMENT "E"

**TORONTO HYDRO
PROPOSED RATES FOR
RESIDENTIAL & COMMERCIAL
CUSTOMER OWNED FLAT RATE WATER HEATERS**

FAST RECOVERY (CASCADE) ELEMENTS :

**PROPOSED RATES
Effective
January 1, 1996**

Size of Heater		Monthly Energy Charge
<u>Kilowatt</u>	<u>Gallon</u>	
1.0 / 3.0	40	\$25.81
3.0 / 3.0	40	\$37.92
1.0 / 3.0	60	\$29.08
1.5 / 4.5	60	\$37.92
1.5 / 4.5 Light Duty	80	\$42.90
1.5 / 4.5	80	\$42.90
2.0 / 6.0 Light Duty	80	\$49.77
2.0 / 6.0	80	\$49.77
2.0 / 6.0	100	\$49.77

ATTACHMENT 'F'

**TORONTO HYDRO
PROPOSED RATES FOR
RESIDENTIAL & COMMERCIAL
UNMETERED OFF-PEAK – 16 HOUR CONTROL
SYSTEM-OWNED WATER HEATERS**

FAST RECOVERY (CASCADE) ELEMENTS :

		PROPOSED RATES Effective January 1,1996	
Size of Heater		Monthly Energy Charge	Monthly Rental Charge
<u>Kilowatt</u>	<u>Gallon</u>		
3.0 / 3.0	40	\$13.96	\$5.51
3.0 / 3.0	60	\$19.24	\$6.11
4.5 / 4.5	80	\$24.40	\$8.33
4.5 / 4.5	100	\$28.00	\$11.92

**UNMETERED OFF-PEAK – 11 HOUR CONTROL
SYSTEM-OWNED WATER HEATERS**

FAST RECOVERY (CASCADE) ELEMENTS :

		NEW RATES Effective January 1,1996	
Size of Heater		Monthly Energy Charge	Monthly Rental Charge
<u>Kilowatt</u>	<u>Gallon</u>		
3.0 / 3.0	40	\$17.48	\$5.51
3.0 / 3.0	60	\$24.21	\$6.11
4.5 / 4.5	80	\$30.78	\$8.33
4.5 / 4.5	100	\$35.36	\$11.92

ATTACHMENT "G"

**TORONTO HYDRO
PROPOSED RENTAL RATES FOR
RESIDENTIAL & COMMERCIAL
SYSTEM OWNED WATER HEATER TANKS**

**PROPOSED RATES
Effective
January 1, 1996**

<u>Tank Size</u> <u>(Imperial Gallons)</u>	<u>Monthly</u> <u>Rental</u> <u>Charge</u>
30	\$4.45
40	\$5.51
60	\$6.11
Light Duty- 80	\$8.33
80	\$11.25
100	\$11.92
H.D. 100 (101)	\$15.43
120	\$18.22

1.0 / 3.0		40	\$1.92 /tank
3.0 / 3.0		40	\$2.88 /tank
1.0 / 3.0		60	\$2.55 /tank
1.5 / 4.5		60	\$2.88 /tank
1.5 / 4.5	Light Duty	80	\$3.51 /tank
1.5 / 4.5		80	\$3.51 /tank
2.0 / 6.0	Light Duty	80	\$3.83 /tank
2.0 / 6.0		80	\$3.83 /tank
2.0 / 6.0		100	\$4.47 /tank

**TORONTO HYDRO
SCHEDULE OF SPECIFIC SERVICE CHARGES
EFFECTIVE JANUARY 1, 1996**

NAME OF SPECIFIC SERVICE CHARGE	AMOUNT ASSESSED
1) RECONNECTION CHARGES	
✓ (a) reconnection during regular hours	\$20.00
✓ (b) reconnection after-hours	\$50.00
2) COLLECTION OF ARREARS	
✗ Related to non-payment of account	\$9.00
3) METER CHECK	
Installation of a recording meter to provide usage information to a customer (Up to and including 30 days per location.)	\$70.00
4) COMPUTER PRINTOUT OF COMPLETE METER DATA	
✗ This charge recovers the cost incurred to provide a computer printout or file of complete meter data at the request of customers who are metered by R.I.M.S.	\$20.00
✓ 5) RETURNED CHEQUE FEE	\$14.00
✓ 6) ARREARS CERTIFICATE	\$15.00
7) LIGHTS OUT - WIRING AND FUSING	Material cost
8) TRANSFORMERS INSTALLED DUE TO VOLTAGE CHANGE	
✗ This nominal charge per annum is to establish ownership of the transformer.	\$1.00

NAME OF SPECIFIC SERVICE CHARGE	AMOUNT ASSESSED
9) DAMAGE TO OR LOSS OF METERING EQUIPMENT	
✕ a) minor damage or broken glass	\$40.00
✕ b) meter missing or badly damaged	\$54.00
10) ENERGY CONTROLLER RENTAL	
✕ per unit	\$1.75
11) HEAT LOSS/GAIN CALCULATIONS	
✓ This charge is to recover the costs associated with performing heat loss/gain calculations	\$100.00
12) ENERGY AUDIT	
✓ a) Residential, Commercial/Industrial < 100 kW	\$30.00
✓ b) Commercial/Industrial 100 – 1000 kW	\$75.00
✕ c) Commercial/Industrial > 1000 kW	\$100.00
13) PORTABLE METER RENTAL	
✕ a) Rental (per week)	\$4.00
✕ b) Optional pickup/delivery (per trip)	\$15.00
✓ 14) NEW ACCOUNT SET UP CHARGE	\$8.80
✕ 15) DISPUTE INVOLVEMENT CHARGE (Meter Dispute Charge)	\$10.00



700 University Avenue, Toronto, Ontario M5G 1X6

*Please make sure
Ontario Hydro got it
right this time.
(return)
D. Hutton Ab*

Friday, August 15, 1997

Hydro Electric Commission of the
City of North York
5800 Yonge Street
North York, ON. M2M 3T3

Att: M. Butler, Gen. Manager *MB*

Attached is the corrected rate schedule that was approved July 22, 1997, approval # 97-087. As discussed with Anthony Lam your utilities request for Cogeneration Backup for your large use customers, was inadvertently set up in the wrong customer class.

Sorry for any inconvenience this may have caused.

Sincerely,

A handwritten signature in cursive script, appearing to read "Gaye Hornell".

Gaye Hornell
Regulatory Affairs Analyst
Regulatory Affairs Department
Executive Services Division

Hydro-Electric Commission of the City of North York
SCHEDULE OF RATES AND CHARGES

Approval 97-087
 Date Jul 22, 1997

APPLICATION

- Application of rates and charges shall be in accordance with the Standard Application of Rates and amendments thereto as approved by Ontario Hydro.
- No rates and charges for supplying power or rates and charges to meet the costs of any work or service done or furnished for the purpose of a supply of power shall be made except as permitted by the Standard Application of Rates or as specified herein.
- Miscellaneous Charges, as approved, may be waived at the discretion of the supply authority.

EFFECTIVE DATES

- ENERGY** August 01, 1997 for all energy used on or after that date with the electrical energy used prior to that date billed at existing rates and estimated by proration based on meter reading dates.
- EQUIPMENT RENTAL** - August 01, 1997 for all rentals applicable on or after that date with rentals prior to that date billed at existing rental charges.
- MISCELLANEOUS CHARGES** - August 01, 1997 for all charges incurred by customers on or after that date.

MONTHLY RATES AND CHARGES

Definitions : Time periods for time-of-use (Eastern Standard Time) :

- Winter : all hours, October 1 through March 31
 Summer : all hours, April 1 through September 30
 Peak : 0700 to 2300 hours (local time) Monday to Friday inclusive, except for public holidays, including New Year's Day, Good Friday, Victoria Day, Canada Day, Civic Holiday (as in Toronto), Labour Day, Thanksgiving Day, Christmas & Boxing Day.
 Off-Peak : all other hours

RESIDENTIAL SERVICE - Regular :

Energy Charges			
First 250 kW.h	(per kWh)	10.84 ¢	
All additional kW.h	(per kWh)	7.14 ¢	
Minimum Bill		\$6.75	

RESIDENTIAL SERVICE - Time Of Use : (At Customer's Request)

Service Charge		\$8.05	
Winter Energy Charges			
Peak Period All kW.h	(per kWh)	11.77 ¢	
Off-Peak Period All kW.h	(per kWh)	3.45 ¢	
Summer Energy Charges			
Peak Period All kW.h	(per kWh)	9.88 ¢	
Off-Peak Period All kW.h	(per kWh)	2.37 ¢	

RESIDENTIAL SERVICE - Miscellaneous :

Allowance for Controlled Metered Water Heaters		\$4.85	
Flat Rate Water Heating (applicable to water heaters installed prior to December 31, 1984) per kW of billing demand	(per kW)	\$30.00	
Controlled Flat Rate Water Heating - For off-peak usage (control from 7 a.m. to 11 p.m.)	(per kW)	\$18.71	
Controlled Flat Rate Water Heating - For off-peak/shoulder usage (control from 9 a.m. to 9 p.m.)	(per kW)	\$26.99	
Winter			
Peak Period Sentinel Light - per kilowatt of connected load (unmetered energy)	(per kW)	\$29.14	
Summer			
Peak Period Sentinel Light - per kilowatt of connected load (unmetered energy)	(per kW)	\$15.79	

GENERAL SERVICE - Regular :

(0 - 1000 kW)

(0 - 800 kW July 1)

Billing Demand

First 50 kW	(per kW)	\$0.00	
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Hydro-Electric Commission of the City of North York
SCHEDULE OF RATES AND CHARGES

Approval 97-087
 Date Jul 22, 1997

GENERAL SERVICE - Regular :

Next 4,950 kW	(per kW)	\$5.15
All Additional kW	(per kW)	\$13.16
Energy Charges		
First 250 kW.h	(per kWh)	10.84 ¢
Next 12,250 kW.h	(per kWh)	7.85 ¢
Next 1,769,000 kW.h	(per kWh)	5.79 ¢
All additional kW.h	(per kWh)	3.54 ¢
Minimum Bill - Under 50 kW of maximum demand		\$6.75
Minimum Bill - over 50 kW of maximum demand - per kW of maximum demand during the previous eleven months or contracted amount whichever is greater	(per kW)	\$0.60

GENERAL SERVICE - Time Of Use :

(0 - 1000 kW) At Customer's Option
 (1000 - 5000 kW)

(800 - 5000 kW July 1; Optional: 0 - 800 July 1)

Winter Billing Demand

Peak Period First 50 kW	(per kW)	\$0.00
Peak Period Next 4,950 kW	(per kW)	\$5.40
Peak Period All Additional kW	(per kW)	\$15.20
Off-Peak Period Off-Peak Transformer Charge -	(per kW)	\$0.60

Applicable to the off-peak period demand corrected for power factor to 90% in excess of the peak period billing demand when the utility owns step-down transformers at the customer premises kW

Summer Billing Demand

Peak Period First 50 kW	(per kW)	\$0.00
Peak Period Next 4,950 kW	(per kW)	\$4.40
Peak Period All Additional kW	(per kW)	\$11.11
Off-Peak Period Off-Peak Transformer Charge -	(per kW)	\$0.60

Applicable to the off-peak period demand corrected for power factor to 90% in excess of the peak period billing demand when the utility owns step-down transformers at the customer premises kW

Winter Energy Charges

Peak Period First 6,875 kW.h	(per kWh)	12.78 ¢
Peak Period Next 1,009,000 kW.h	(per kWh)	8.76 ¢
Peak Period All additional kW.h	(per kWh)	4.63 ¢
Off-Peak Period All kW.h	(per kWh)	3.42 ¢

Summer Energy Charges

Peak Period First 6,875 kW.h	(per kWh)	10.75 ¢
Peak Period Next 1,009,000 kW.h	(per kWh)	7.44 ¢
Peak Period All additional kW.h	(per kWh)	4.02 ¢
Off-Peak Period All kW.h	(per kWh)	2.35 ¢

Minimum Bill - Under 50 kW of maximum demand \$6.75

Minimum Bill - over 50 kW of maximum demand - per kW of maximum demand during the previous eleven months or contracted amount whichever is greater (per kW) \$0.60

GENERAL SERVICE - COGENERATION BACKUP :

Standby Facility Charge for customers with local generation

With customer owned transformers - applicable to the difference between the greater of the contracted demand or the maximum demand in the previous eleven months, and the billing demand for the current month. (per kW) \$1.00

With utility owned transformers - applicable to the difference between the greater of the contracted demand or the maximum demand in the previous eleven months, and the billing demand for the current month. (per kW) \$1.60

GENERAL SERVICE - Miscellaneous :

Hydro-Electric Commission of the City of North York
SCHEDULE OF RATES AND CHARGES

Approval 97-087
 Date Jul 22, 1997

GENERAL SERVICE - Miscellaneous :

Flat Rate Water Heating (applicable to water heaters installed prior to December 31, 1984) per kW of billing demand	(per kW)	\$30.00
Winter		
Peak Period Sentinel Light - per kilowatt of connected load (unmetered energy)	(per kW)	\$29.14
Summer		
Peak Period Sentinel Light - per kilowatt of connected load (unmetered energy)	(per kW)	\$15.79
Temporary Power - per kilowatt of the greater of the connected load or contract amount, as an alternative to the General Rate	(per kW)	\$32.93
Winter		
Peak Period Experimental Cooperative Peak-Shaving Discount Rate - Discount will be equal to 68% of North York HEC's wholesale demand charge applied per kW demand offset from the utility's system peak	(per kW)	\$8.19
Summer		
Peak Period Experimental Cooperative Peak-Shaving Discount Rate - Discount rate will be equal to 68% of North York HEC's wholesale demand charge applied per kW demand offset from the utility's system peak	(per kW)	\$6.13

LARGE USER SERVICE - Time Of Use :

Winter Billing Demand		
Peak Period All kW	(per kW)	\$15.45
Summer Billing Demand		
Peak Period All kW	(per kW)	\$11.29
Winter Energy Charges		
Peak Period All kW.h	(per kWh)	4.63 ¢
Off-Peak Period All kW.h	(per kWh)	3.42 ¢
Summer Energy Charges		
Peak Period All kW.h	(per kWh)	4.02 ¢
Off-Peak Period All kW.h	(per kWh)	2.35 ¢

LARGE USER SERVICE - COGENERATION BACKUP :

For any customer with local generation.

Adm. Service Charge	(per month)	\$2,000.00
Winter Billing Demand		
Peak Period All kW	(per kW)	\$12.41
Summer Billing Demand		
Peak Period All kW	(per kW)	\$9.29
Winter Energy Charges		
Peak Period All kW.h	(per kWh)	6.28 ¢
Off-Peak Period All kW.h	(per kWh)	3.45 ¢
Summer Energy Charges		
Peak Period All kW.h	(per kWh)	5.18 ¢
Off-Peak Period All kW.h	(per kWh)	2.37 ¢
Standby Charge - Per kW/Month for capacity reserved.	(per kW)	\$1.00

STREET LIGHTING - Time Of Use :

Winter		
Per kW of connected load	(per kW)	\$26.49
Summer		
Per kW of connected load	(per kW)	\$14.35

Hydro-Electric Commission of the City of North York
SCHEDULE OF RATES AND CHARGES

Approval 97-087
 Date Jul 22, 1997

TRANSFORMER**Losses:**

adjustment shall be made in accordance with Section
 IV, clause 7 of the Standard Application of Rates

Allowance for Ownership:

(per kW of billing demand)

service at less than 115kV (per kW) \$0.60

EQUIPMENT RENTAL**Sentinel Light**

- 250 watt \$3.80
 - 400 watt \$4.35

Water Heater

- 40 gallon \$4.60
 - 60 gallon \$4.85
 - timer \$2.90
 - rebate to new water heater customers \$50.00

SPECIFIC SERVICE CHARGES**Customer Administration**

Account Setup Charge \$8.80
 Arrears Certificate \$15.00

Miscellaneous Service

Pole relocation - 50% of the actual cost subject to min chg \$1803.00
 Pole relocation - guy wires \$632.00
 Graphic meter recording - total charge for first week \$383.00
 Graphic Demand Meter - Daily rental charge over 7 days \$11.65

Non-Payment of Account

Late Payment 5.00 %
 Returned Cheque Charge - Actual Bank Charges
 Collection of Account Charge \$8.80
 Reconnection \$17.60

Service Calls

- Customer-owned water heater \$24.40

Special

Real-Time Pricing II - The rates are set according to the tripartite
 agreement among the utility, its customer and Ontario Hydro plus an
 Admin Charge of \$2000.00 a month

Temporary Service - Includes Installation & Removal

- three phase metering installation \$510.00
 - overhead \$356.00
 - underground \$1256.00

Ontario Energy
Board
P.O. Box 2319
2300 Yonge Street
26th. Floor
Toronto ON M4P 1E4
Telephone: (416) 481-1967
Facsimile: (416) 440-7656

Commission de l'Énergie
de l'Ontario
C.P. 2319
2300, rue Yonge
26e étage
Toronto ON M4P 1E4
Téléphone: (416) 481-1967
Télécopieur: (416) 440-7656

Rates
March 1/01 - May 31/01
June 1/01 - August 31/01
Sept 1/01 - December 31/01.



Writer's Direct Line (416) 440-7605
BY PRIORITY POST

August 17, 2001

Mr. Dan Guatto
President
Halton Hills Hydro Inc.
43 Alice Street,
Acton, ON
L7J 2A9

Dear Mr. Guatto:

Re: Halton Hills Hydro Inc. - Electricity Rate Change
Board File No. RP-2000-0193/EB-2000-0428/EB-2001-0141

The Board has today issued its Decision with Reasons and Order in the above matter and an executed copy is enclosed herewith.

Yours truly,

Peter H. O'Dell
Assistant Board Secretary

Encl.

COPY



RP-2000-0193
EB-2000-0428
EB-2001-0141

IN THE MATTER OF the *Ontario Energy Board Act*,
1998, S.O. 1998, c.15 (Schedule B);

AND IN THE MATTER OF an Application by Halton Hills
Hydro Inc. for an order or orders approving or fixing just
and reasonable rates.

BEFORE: Paul Vlahos
Vice Chair and Presiding Member

Paul Sommerville
Member

DECISION WITH REASONS AND ORDER

Halton Hills Hydro Inc. ("Halton Hills" or "the Applicant") filed an Application ("the Application") with the Ontario Energy Board ("the Board") dated November 23, 2000, for an order or orders approving or fixing just and reasonable rates for the distribution of electricity.

On August 13, 2001 the Board issued a Decision requiring the Applicant to mitigate rate impacts on customers in the general service greater than 50 kilowatt demand non-time of use class such that bills impacts be reduced to not exceed 10% before the application of the market adjusted revenue requirement. The Applicant was not to make any other adjustments in the revenue requirement of other rate classes to achieve this impact reduction. The Board accepted the remainder of the submission of the Applicant. Halton Hills filed an amended version of its application on August 15, 2001.

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Board Findings

The Board finds that the amended version of the application filed by Halton Hills in accordance with the Board's decision and is acceptable.

In complying with the decision of the Board, Halton Hills has made an adjustment to the demand/energy split of the cost of power within the general service greater than 50 kilowatt demand non-time of use class. Maintaining the same revenue requirement as in the original submission, the fixed and variable components of the distribution rate were adjusted from a ratio of 60/40 to 10/90 in order to help further mitigate bill impacts. As a result, the Applicant was able to mitigate bill impacts resulting from unbundling for 116 of the 143 existing customers within this class to below 10%. Of the remaining 27 customers, 18 customers will experience increases between 10% and 15% from unbundling. The Board accepts these adjustments and expects the Applicant to continue to work with the remaining affected customers to help lower their bills.

By letter dated February 28, 2001, the Board indicated that the rates set out in the Transitional Distribution Rate Order are declared interim as of March 1, 2001 for all licensed distributors who filed submissions for unbundled distribution rates on or before February 28, 2001. Halton Hills proposes to implement the rates set out in Appendix "A" of this Order, which include the cost of power increase effective June 1, 2001 through to August 30, 2001. The Applicant has proposed that the rates applied for, other than the miscellaneous charges, be made effective March 1, 2001 and that Halton Hills be allowed to retroactively bill customers for electricity usage back to the March 1, 2001 date through a monthly rate rider on distribution charges to be collected over four months. Halton Hills proposes to implement the rates set out in Appendix "B" of this Order on all energy consumed on or after September 1, 2001. The Board finds this acceptable.

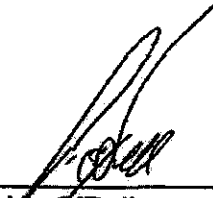
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THE BOARD ORDERS THAT:

1. The rates declared interim by letter dated February 28, 2001 are hereby approved as final rates for the period March 1, 2001 to May 31, 2001.
2. The rates, which include the cost of power increase (EB-2001-0141), as set out in Appendix "A" of this Order are hereby approved as final rates for the period June 1, 2001 to August 30, 2001.
3. The rates as set out in Appendix "B" of this order are hereby approved effective September 1, 2001.
4. The monthly rate riders set out in Appendix "C" of this order are hereby approved effective September 1, 2001 to December 31, 2001.

DATED at Toronto, August 17, 2001.

ONTARIO ENERGY BOARD



Peter H. O'Dell
Assistant Board Secretary

COPY

Appendix "A"

**RP-2000-0193
EB-2001-0141**

August 17, 2001

ONTARIO ENERGY BOARD

A handwritten signature in black ink, appearing to read "P. O'Dell", is written over a horizontal line.

**Peter H. O'Dell
Assistant Board Secretary**

COPY

Halton Hills Hydro
Schedule of Rates
Effective June 1, 2001 to August 30, 2001

Time periods for Time of Use (Eastern Standard Time):

Winter: all hours, October 1 through March 31
 Summer: all hours. April 1 through September 30
 Peak: 0700 to 2300 hours (local time) Monday to Friday inclusive, except for public holidays, including New Year's Day, Good Friday, Victoria Day, Canada Day, Civic Holiday (as in Toronto), Labour Day, Thanksgiving Day, Christmas Day and Boxing Day.
 Off-Peak: all other hours

Residential

Energy Charges

First 250 kWh	(per kWh)	\$ 0.12035
All additional kWh	(per kWh)	\$ 0.07785
Bi-monthly Minimum Bill		\$ 14.10

Residential - Time of Use (At Customer's Request)

Winter Energy Charges

First 500 kWh	(per kWh)	\$ 0.16535
Balance	(per kWh)	\$ 0.12285
Off-Peak Period all kWh	(per kWh)	\$ 0.04155

Summer Energy Charges

First 500 kWh	(per kWh)	\$ 0.14355
Balance	(per kWh)	\$ 0.10105
Off-Peak Period all kWh	(per kWh)	\$ 0.03085

General Service (0 - 999 kW)

Billing Demand

First 50 kW	(per kW)	\$ 0.00
Balance	(per kW)	\$ 5.00

Energy Charges

First 250 kWh	(per kWh)	\$ 0.12035
Next 12,250 kWh	(per kWh)	\$ 0.08295

COPY

Balance	(per kWh)	\$ 0.06285
Monthly Minimum Bill		\$ 7.05
Minimum Bill - over 50 kW of maximum demand	(per kW)	\$ 0.60
- per kW of maximum demand during the previous eleven months		

General Service (1,000 - 5,000kW) (500 - 999 kW Optional)

Summer Peak

First 250 kWh	(per kWh)	\$ 0.14365
Next 6,625 kWh	(per kWh)	\$ 0.10795
Balance	(per kWh)	\$ 0.07775

Summer Off - Peak

All	(per kWh)	\$ 0.03105
First 50kW	(per kWh)	\$ 0.0000
Balance	(per kWh)	\$ 5.30

Winter Peak

First 250 kWh	(per kWh)	\$ 0.16535
Next 6,625 kWh	(per kWh)	\$ 0.13115
Balance	(per kWh)	\$ 0.09245

Winter Off - Peak

All	(per kWh)	\$ 0.04185
First 50kW	(per kWh)	\$ 0.0000
Balance	(per kWh)	\$ 5.30

Street Lighting

per kW of connected load	(per kW)	\$27.43
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Sentinel Lighting

per kW of connected load	(per kW)	\$27.63
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Transformer

Losses:

Adjustment shall be made in accordance with Section IV, clause 7 of the Standard Application of Rates until replaced by the Transformer Loss provisions in the Rate Handbook.

Allowance for Ownership: (per kW of billing demand)

service at less than 115 kV	(per kW)	\$ 0.50
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COPY

Specific Service Charges

Late Payment (on current portion of outstanding balance)	5.00 %
NSF Cheque - Actual Bank Charges plus	\$ 10.50
Collection of Account Charge	\$ 7.00
Reconnection - at meter	\$14.00
Reconnection - at pole	\$17.25
Reconnection - after hours	\$50.00
Account Setup Charge	\$10.00
Arrears Certificate	\$10.50
Dispute Meter Test	\$10.00
Monthly Time of Use Metering Charge	\$20.00

COPY

Appendix "B"

RP-2000-0193

EB-2000-0428

EB-2001-0141

August 17, 2001

ONTARIO ENERGY BOARD

A handwritten signature in black ink, appearing to read "P. O'Dell", is written over a horizontal line.

Peter H. O'Dell
Assistant Board Secretary

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Halton Hills Distribution Corporation
Schedule of Rates
Effective September 1, 2001

Monthly Rates and Charges

Definitions: Time Periods for Time of Use Rates (Local Time)

Winter: all hours October 1 through March 31

Summer: all hours April 1 through September 30

On-Peak: 07:00 to 23:00 hours Monday to Friday inclusive, except for public holidays, including New Year's Day, Good Friday, Victoria Day, Canada Day, Civic Holiday (as in Toronto), Labour Day, Thanksgiving Day, Christmas & Boxing Days.

Off-Peak: all other hours.

Residential

Monthly Service Charge	(per month)	\$9.16
Distribution Volumetric Charge	(per kWh)	\$0.0067
Cost of Power	(per kWh)	\$0.07575

General Service Non-Time of Use (Less than 50 kW)

Monthly Service Charge	(per month)	\$20.04
Distribution Volumetric Charge	(per kWh)	\$0.0061
Cost of Power	(per kWh)	\$0.07465

General Service Non-Time of Use (Greater than 50 kW)

Monthly Service Charge	(per month)	\$84.94
Distribution Volumetric Charge	(per kW)	\$2.9858
Cost of Power	(per kWh)	\$0.06015
Cost of Power	(per kW)	\$3.9328

General Service Time of Use (Greater than 50 kW)

Monthly Service Charge	(per month)	\$84.94
Distribution Volumetric Charge	(per kW)	\$2.9858

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Cost of Power: Winter-Peak	(per kW)	\$9.1110
Cost of Power: Summer-Peak	(per kW)	\$6.9427
Cost of Power: Winter-Peak	(per kWh)	\$0.07075
Cost of Power: Winter-Off-Peak	(per kWh)	\$0.04225
Cost of Power: Summer-Peak	(per kWh)	\$0.05965
Cost of Power: Summer-Off-Peak	(per kWh)	\$0.03125

Sentinel Lighting Non-Time of Use

Monthly Service Charge	(per month)	\$1.00
Distribution Volumetric Charge	(per kW)	\$3.1943
Cost of Power	(per kW)	\$23.2631

Street Lighting Non-Time of Use

Monthly Service Charge	(per month)	\$0.43
Distribution Volumetric Charge	(per kW)	\$2.0349
Cost of Power Non-TOU	(per kW)	\$23.2554

Un-metered, Scattered Load

Un-metered, scattered loads will be billed as General Service < 50 kW non-TOU customers based on an estimated load per connection.

Monthly Service Charge	(per month)	\$20.04
Distribution Volumetric Charge	(per kWh)	\$0.0061
Cost of Power	(per kWh)	\$0.07465

Specific Service Charges

Late payment rate (per month; per annum)	1.5%; 19.56%
NSF Cheque - Actual Bank Charges plus	\$ 10.50
Collection of Account Charge	\$ 7.00
Reconnection - at meter	\$14.00
Reconnection - at pole	\$17.25
Reconnection - after hours	\$50.00
Account Setup Charge	\$10.00
Arrears Certificate	\$10.50
Dispute Meter Test	\$10.00
Monthly Time of Use Metering Charge	\$20.00

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Appendix "C"

RP-2000-0193

EB-2000-0428

EB-2001-0141

August 17, 2001

ONTARIO ENERGY BOARD



Peter H. O'Dell

Assistant Board Secretary

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Halton Hills Distribution Corporation
Schedule of Monthly Rate Riders
Effective September 1, 2001 to December 31, 2001

Residential

Monthly Rate Rider	(per month)	\$5.76
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General Service Non-Time of Use (Less than 50 kW)

Monthly Rate Rider	(per month)	\$14.06
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General Service Non-Time of Use (Greater than 50 kW)

Monthly Rate Rider	(per month)	\$364.39
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General Service Time of Use (Greater than 50 kW)

Monthly Rate Rider	(per month)	\$4,007.88
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Sentinel Lighting Non-Time of Use

Monthly Rate Rider	(per month)	\$0.35
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Street Lighting Non-Time of Use

Monthly Rate Rider	(per month)	\$0.15
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Un-metered, Scattered Load

Monthly Rate Rider	(per month)	\$14.06
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