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February 27, 2012

## **Delivered by Email and RESS**

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

Dear Ms. Walli:

Re: Toronto-Hydro Electric System Limited ("THESL") CANDAS Proceeding (EB-2011-0120)

We are writing pursuant to the Board's Decision and Order dated February 22, 2012 (the "Order"), which, among other matters, directed THESL to:

- 1. File any representative reports or minutes of any THESL health and safety committee meetings held from August 2008 onward on or before February 27, 2012; and
- 2. Clarify for the Board whether the agreement between THESI and Toronto Hydro Telecom Inc. (ultimately purchased by Cogeco) filed in confidence with this Board on December 23, 2011 has been renewed, and if not, whether there is a document that governs the current relationship between THESI and Cogeco.

In response, THESL has reviewed the minutes of its health and safety committee meetings for the requested period and confirms that no responsive information was found.

Please find attached THESL's response to the Board's request for additional information regarding the THESI/Cogeco agreement. THESL requested confidential treatment of the subject agreement on the basis that it contains commercially sensitive information, both with respect to terms and conditions, and pricing between two entities (THESI and Cogeco) neither of which are party to this proceeding. Whether or not the agreement has been renewed is itself confidential information for the same reasons. Disclosure of this information could adversely affect the competitive position of Cogeco and/or THESI in the competitive market for wireless attachments. For these reasons, THESL is seeking confidential treatment of the attached response.

Sincerely, BORDEN LADNER GERVAIS LLP

Original signed by J. Mark Rodger

J. Mark Rodger JMR/jv