

**J. Mark Rodger**  
T (416) 367-6190  
F (416) 361-7088  
mrodger@blg.com  
**John A.D. Vellone**  
T (416) 367-6730  
F (416) 361-2758  
jvellone@blg.com

Borden Ladner Gervais LLP  
Scotia Plaza, 40 King Street W  
Toronto, ON, Canada M5H 3Y4  
T 416.367.6000  
F 416.367.6749  
blg.com



July 16, 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”)  
Document Brief for the July 23, 2012 Preliminary Issue Submissions**

We write further to Procedural Order No. 12 to advise the Board as to the materials on which we intend to rely for oral submissions on July 23, 2012.

We have filed the THESL document brief on RESS containing the materials from the record in this proceeding upon which we intend to rely in making oral submissions. A copy of the index to this document brief is included as Schedule “A” to this letter. THESL may also make reference to the experts joint written statement which is due to be filed on July 18, 2012 if it contains facts relevant to the Board’s determination of the Preliminary Issue.

THESL will provide hard copies of its document brief to the Board and the parties at the July 23, 2012 hearing.

Yours very truly,

**BORDEN LADNER GERVAIS LLP**

*Original signed by John A.D. Vellone.*

John A.D. Vellone

copy to: CANDAS, all Parties, Board Staff

JMR/jv

**SCHEDULE “A”  
DOCUMENT BRIEF OF THESL**

**INDEX**

<b>Tab</b>	<b>Description</b>
1.	The CCTA Decision dated March 7, 2005 in RP-2003-0249 (the “ <b>CCTA Decision</b> ”). <i>Tab 6 of the CANDAS Application</i>
2.	Diagram of a typical joint use pole. <i>Figure 1 in the Affidavit of Dr. Adonis Yatchew.</i>
3.	Diagram of a proposed Toronto DAS Network attachment. <i>Exhibit D of the evidence of Tormod Larsen.</i>
4.	The CCTA Settlement Agreement dated Oct. 19, 2004 (the “ <b>Settlement Agreement</b> ”). <i>Tab 5 of the CANDAS Application</i>
5.	Excerpts of the CCTA/MEARIE Model Joint Use Agreement filed Aug. 3, 2005 (the “ <b>Model Agreement</b> ”). <i>CANDAS’ Response to CCC IR#3(a)</i>
6.	Compliance Bulletin 200505 dated May 30, 2005 (the “ <b>CCTA Compliance Bulletin</b> ”). <i>Tab 8 of the CANDAS Application</i>
7.	THESL’s letter to the Board dated Aug. 13, 2010 (the “ <b>Aug. 2010 Letter</b> ”). <i>Tab 3 of the CANDAS Application</i>
8.	Excerpts of the Affidavit of Mr. Michael Starkey (the “ <b>Starkey Affidavit</b> ”).
9.	Excerpts of the Affidavit of Dr. Adonis Yatchew (the “ <b>Yatchew Affidavit</b> ”).
10.	Excerpts of the Report of LCC International (the “ <b>LCC Report</b> ”).
11.	New York Public Service Commission (the “ <b>NYPSC</b> ”) Proceeding on Motion of the Commission Concerning Wireless Facility Attachments to Utility Distribution Poles, Case 07 M 0741, July 27, 2007, Order Instituting Proceeding (the “ <b>T-Mobile Decision</b> ”).
12.	Excerpts of the annual reports of Crown Castle and American Tower.
13.	Selected Excerpts - THESL Interrogatory Responses <ul style="list-style-type: none"> <li>a. THESL’s Response to CCC IR#13.</li> <li>b. THESL’s Response to Board Staff IR#14.</li> </ul>
14.	Selected Excerpts – CANDAS Interrogatory Responses <ul style="list-style-type: none"> <li>a. CANDAS response to THESL IR#1.</li> <li>b. CANDAS’ Response to THESL IR#2(b).</li> <li>c. CANDAS’ Response to THESL IR#3.</li> </ul>

- d. CANDAS' response to CEA IR#28(a)
  - e. CANDAS response to Energy Probe IR#7.
15. THESL's letter to the Board dated July 12, 2012 (the "**July 2012 Letter**").