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**BY E-MAIL**

February 12, 2013

Glenn Zacher  
Stikeman Elliot LLP  
5300 Commerce Court West  
199 Bay Street  
Toronto ON M5L 1B9

Dear Mr. Zacher:

**Re: Application by Toronto Hydro-Electric System Limited – EB-2012-0064**

The Board is in receipt of your letter of February 8, 2013 in which you state that you have been retained by the OPA in this matter and are writing with respect to Environmental Defence's request that the OPA appear as a witness at the February 19 – 20 hearing.

In your letter, you state that the OPA would be pleased to appear as a witness at the hearing if the Board believes it will assist the Panel in making its determination. However, you also state that the OPA will not be able to provide evidence in relation to all of the matters referenced by Environmental Defence

You further state that if the Board believes that it would be helpful for the OPA to appear as a witness, the OPA would prefer to register as an intervenor rather than being called as a witness for Environmental Defence. In addition, the OPA would also be prepared to file a brief summary of its evidence on the matters specified by Environmental Defence in order to assist the Board and those parties who wish to examine the OPA by February 14, 2013.

The Board believes that it would assist the Panel to have the OPA appear as a witness at the hearing, for the areas outlined in your letter, and on this basis will accept the OPA's request for late intervention status in this proceeding, subject to the OPA's acceptance of the record as it presently stands and THESL's right to object.

The Board has determined that the OPA will not be eligible for a cost award.

The Board would also find it helpful if the OPA filed its referenced summary of its evidence by February 14, 2013.

Yours truly,

*Original signed by*

Kirsten Walli  
Board Secretary

cc: All registered parties  
Fred D. Cass, Aird & Berlis LLP