

October 25, 2013

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File 15441

Kirsten Walli
Board Secretary
Ontario Energy Board
Suite 2701
2300 Yonge Street
Toronto ON M4P 1E4

Dear Ms Walli:

Re: EB-2013-0234

We are counsel to the applicant, Toronto Hydro-Electric System Limited ("THESL") in this matter.

As the Board will be aware, parties have filed draft Issues Lists, and an Issues Conference and an Issues Day have been scheduled. Following the delivery of the draft issues list, the parties were advised that Board staff intended to issue RFPs to retain two expert witnesses, an economic/market power expert and a wireless technology/telecommunications expert. We have been advised by Board staff that the experts may not be in place, and able to commence work, until as late as the middle of November.

We have discussed with Board staff whether, given the scheduling of the retaining of the experts, it would make sense to defer a decision on the Issues List until the experts have been retained, had an opportunity to review our client's pre-filed evidence, and provide advice to Board staff. Our shared concern is that, on the advice of the newly-retained experts, the content of the Issues List might change. Indeed, the respective experts of THESL and Board staff might be able to agree on what they believe are the relevant issues.

To arrive at a final Issues List now, before the Board staff experts have been retained, runs the risk that our client and its experts will be put to the expense of answering interrogatories on issues that the Board staff experts do not believe are relevant. The Board staff experts may advise Board staff that other interrogatories should have been asked and answered. The larger risk is that the parties may arrive at the hearing with an incomplete record.

In the circumstances, Board staff and we are in agreement that the Issues Conference and the Issues Day should be postponed until Board staff's experts have been retained and had an opportunity to review THESL's prefiled evidence. In addition, Board staff and we are in

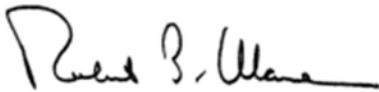
agreement that there would be value in the respective experts of our client and Board staff being directed to meet, either in advance of or as part of the Issues Conference, with a view to seeing if they could agree on the issues that they believe are relevant.

Accordingly, we respectfully request, on behalf of our client, and with the agreement of Board staff, that the scheduled Issues Conference and Issues Day be postponed for one month.

We have reviewed a draft of this letter with Board staff. They are in agreement with its content.

Yours truly,

WEIRFOULDS LLP

A handwritten signature in black ink, appearing to read "Robert B. Warren". The signature is fluid and cursive, with a long horizontal stroke at the end.

Robert B. Warren

RBW/dh

cc: K. Sebalj
cc: R. Barrass
cc: All Parties
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