

June 13, 2012

Robert B. Warren
T: 416-947-5075
rwarren@weirfoulds.com

File 10606.00011

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

Dear Ms Walli:

Re: Toronto Hydro-Electric System Limited (“THESL”)/Notice of Motion

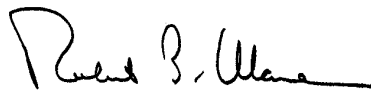
We have a copy of your letter of June 12, 2012, to Ms Klein. In that letter you ask about THESL’s intentions with respect to, among other things, its Notice of Motion (the “Motion”) to review the Board’s EB-2011-0144 Decision on the Preliminary Issue.

We were counsel to the Consumers Council of Canada in EB-2011-0144. In that capacity we were served with a copy of the Motion, including the supporting materials. The Motion raised a number of important factual and legal issues. Given the importance of the issues, we began, immediately, preparatory work to respond to it. There was nothing that we were aware of to suggest that THESL might not proceed with its Motion. Indeed, there was every indication that THESL considered it a matter of importance that the Motion be heard and disposed of quickly.

If, as we anticipate, it is THESL’s intention to formally withdraw the Motion, we think that the Board should make allowance for cost awards.

Yours very truly,

WeirFoulds LLP



Robert B. Warren

RBW/dh

cc: Amanda Klein, Senior Regulatory Counsel, Toronto Hydro-Electric System Limited
Fred D. Cass, Aird & Berlis, LLP
Julie Girvan
All Parties in EB-2011-0144