

August 9, 2012

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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”)/  
EB-2012-0064**

We are counsel to the Consumers Council of Canada in this matter. Pursuant to Procedural Order No. 1, we provide the following comments on the draft issues list.

We agree with the comments contained in the letter dated August 8, 2012 from Michael Janigan, on behalf of the Vulnerable Energy Consumers Coalition, and with the changes to the wording of certain issues he proposes.

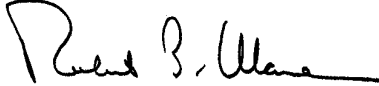
In addition, we propose the following changes:

1. Issue 1.1 should be separated into three components, as follows:
  - (1) Are the IRM filings by THESL, including the tax sharing proposal, in accordance with the Board’s policies and requirements?
  - (2) If not, what is the standard of proof required to justify a departure from those policies and requirements?
  - (3) Has THESL met the standard of proof required to justify a departure from those policies and requirements?
2. Issue 2.2 should be worded “Has THESL provided sufficient evidence to support its proposals?”
3. Issue 5.5 should be worded “Are THESL’s proposals regarding the timing and methodologies for rate implementation appropriate?”

Finally, we note that there appear to be words missing in issue 3.3

Yours very 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

cc: Michael Millar  
Martin Davies  
Amanda Klein  
Fred Cass  
Julie Girvan  
All Parties

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