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August 20, 2012

*via RESS e-filing – signed original to follow by courier*

Ms. Kirsten Walli  
Board Secretary  
Ontario Energy Board  
PO Box 2319  
2300 Yonge Street, 27<sup>th</sup> floor  
Toronto, ON M4P 1E4

Dear Ms. Walli:

**Re: Toronto Hydro-Electric System Limited (“THESL”)  
OEB File No. EB-2012-0064 (the “Application”)  
Withdrawals of Appeals in Respect of Decision in OEB File No. EB-2011-0144**

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THESL writes to the Ontario Energy Board (“OEB”) in respect of the above-noted Application.

In its Issues List Decision dated August 16, 2012, the OEB stated that it awaits THESL’s indication as to the status of the two outstanding matters referenced in the Board’s letter of June 27, 2012 before determining further steps in this proceeding.

For ease of reference, these two outstanding matters are THESL’s appeals in respect of the OEB’s January 5, 2012 Decision in EB-2011-0144 (the “Decision”), and in particular:

- (1) THESL’s January 25, 2012 Notice of Motion to review the Board’s Decision (the “Motion”); and
- (2) THESL’s Notice of Appeal to the Ontario Superior Court of Justice (Divisional Court) dated February 6, 2012 (the “Appeal”).

THESL writes to provide its indication as requested. In particular, THESL advises the OEB that it is withdrawing its Motion and Appeal.

**The Motion:** As set out in the attached withdrawal notice to the OEB dated August 20, 2012, THESL has withdrawn its Motion.

***The Appeal:*** As set out in the attached Notice of Abandonment dated August 20, 2012, THESL is withdrawing its Appeal. THESL is advised by its external counsel that, in accordance with the Ontario *Rules of Civil Procedure*, such notice is being served on the OEB today and will then be filed with the Ontario Superior Court of Justice (Divisional Court). THESL will forward confirmation of successful filing to the OEB and intervenors as soon as it receives the same.

THESL trusts this response satisfies the OEB's request in the Issues List Decision, and would be pleased to address any outstanding questions or concerns that the OEB has in this regard.

Yours truly,

*[original signed by]*

**Amanda Klein**  
Senior Regulatory Counsel  
Regulatory Applications & Compliance  
Toronto Hydro-Electric System Limited  
[regulatoryaffairs@torontohydro.com](mailto:regulatoryaffairs@torontohydro.com)

:AK/RB

cc: Fred D. Cass, Aird & Berlis LLP, Counsel for THESL, by electronic mail only  
Intervenors of Record for EB-2012-0064 and EB-2011-0144, by electronic mail only

**Attachment 1**  
**Withdrawal of Motion**

**J. Mark Rodger**  
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August 20, 2012

**Delivered by RESS, Email and Courier**

Ms. Kristen Walli, Board Secretary  
Ontario Energy Board  
2300 Yonge Street, Suite 2701  
Toronto, ON M4P 1E4

Dear Ms. Walli:

**Re: Motion to Review the Board's January 5, 2012 Decision with Reasons and Order on the Preliminary Issue in OEB File No. EB-2011-0144 (the "Motion to Review")**  
**OEB File No. EB-2012-0035**

On behalf of our client, Toronto-Hydro Electric System Limited ("THESL"), THESL hereby provides its notice of withdrawal of the Motion to Review pursuant to Rule 20.01 of the Ontario Energy Board's *Rules of Practice and Procedure*. We trust this is satisfactory.

Please feel free to contact me if you have any questions.

Kind Regards,

*Original signed by John A.D. Vellone*

John A.D. Vellone

JMR/jv

cc: Amanda Klein, THESL  
Intervenors of Record in EB-2011-0144

TOR01: 4989257: v3

**Attachment 2**  
**Abandonment of Appeal**

**ONTARIO**  
**SUPERIOR COURT OF JUSTICE**  
**(DIVISIONAL COURT)**

**B E T W E E N:**

**TORONTO HYDRO-ELECTRIC SYSTEM LIMITED**

Appellant

**- and -**

**ONTARIO ENERGY BOARD**

Respondent

**NOTICE OF ABANDONMENT**

The appellant abandons this appeal.

Date: August 20, 2012

**BORDEN LADNER GERVAIS LLP**  
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Solicitors for the Appellant,  
Toronto Hydro-Electric System Limited

TO: **ONTARIO ENERGY BOARD**  
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Respondent

**TORONTO HYDRO-ELECTRIC SYSTEM- and -  
LIMITED**  
Appellant

**ONTARIO ENERGY BOARD**  
Respondent

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***ONTARIO***  
**SUPERIOR COURT OF JUSTICE**  
**(DIVISIONAL COURT)**  
PROCEEDINGS COMMENCED AT TORONTO

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**NOTICE OF ABANDONMENT**

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Toronto Hydro-Electric System Limited