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January 14, 2013

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

Ms. Kirsten Walli

Board Secretary

Ontario Energy Board

PO Box 2319

2300 Yonge Street, 27th floor

Toronto, ON M4P 1E4

Dear Ms. Walli:

**Re: Toronto Hydro-Electric System Limited (“THESL”)
OEB File No. EB-2012-0064 (the “Application”) - Bremner Process**

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

THESL refers to the January 9, 2013 letter of Klippensteins (the “ED Letter”), written on behalf of Environmental Defence (“ED”). In particular, THESL wishes to comment on ED’s submissions in respect of the proceeding schedule for the so-called Bremner sub-phase of THESL’s application.

As THESL has noted previously to the OEB and intervenors, THESL believes that like the 2012 and 2013 work program portion, this phase of the application must be heard as expeditiously as possible. Regulatory certainty on Bremner is critical to THESL’s ability to proceed with this complex, multi-year undertaking, and complete the project on schedule.¹

The ED Letter notes that ED’s counsel is scheduled for another matter from January 28 to February 1 and that ED’s expert witness is unavailable from January 30 to February 14. On this basis, ED is now requesting that this matter be delayed further.

THESL notes that the OEB previously granted ED an indulgence by allowing it late intervenor status and delaying the Bremner sub-phase in order to facilitate ED filing intervenor evidence.

¹ The schedule for Bremner is importantly dictated by the beginning of the Pan Am Games in 2015. As noted in the ICM business case for Bremner, major construction for the project is expected to be completed over a 24-month period and, if construction begins in Q1 2013, the Transformer Station is scheduled to be constructed by the end of 2014. This timing coincides with the load transfer to support the first bus at Windsor Transformer station, anticipated load growth in the Bremner Service area and the need to have work completed ahead of the Pan Am Games (THESL expects that such work will not be permitted in the months prior to or during the Pan Am Games).

With respect, THESL submits that the additional delay sought by ED is neither warranted nor necessary, and that further delay of this phase would be prejudicial to the project and important purposes that the project would serve. THESL, as the applicant in this proceeding, is prepared to proceed with the remainder of the Bremner sub-phase immediately.

THESL submits that the availability of ED's counsel and its expert is effectively an argument to proceed with the remainder of the Bremner phase immediately, and in writing. If the OEB were to complete the Bremner sub-phase in writing, the availability of ED's expert would effectively become a non-issue as would the availability restrictions of ED's counsel (given that a written procedure would mean that no-one would need to attend in person).

In the event that the OEB elects to complete the Bremner sub-phase by way of an oral hearing, THESL notes that there are almost two weeks between today's date (January 14) and the date upon which ED's counsel and expert enter into their respective periods of scheduling conflicts (January 28). THESL anticipates that cross-examination of all parties and all final argument could likely be completed in two days.

As a general matter, THESL notes that one of the benefits of retaining counsel such as Klippensteins is that it is a downtown Toronto law firm which has resources to manage in times of potential scheduling conflicts, and there are other lawyers at Klippensteins that handle matters before the OEB.

THESL makes these submissions recognizing that the OEB has stated a preference for the Bremner sub-phase and the rest of phase 1 of this application to come back together in time for the OEB to issue one decision on both, if possible. THESL respectfully submits that the suggestions it has made in this letter serve this end.

Please do not hesitate to contact me if you have any questions.

Yours truly,

[original signed by]

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