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January 29, 2013

Kirsten Walli
Board Secretary
Ontario Energy Board
PO Box 2319
2300 Yonge Street
Toronto, Ontario
M4P 1E4

Dear Ms. Walli:

Re: Application by Toronto Hydro-Electric System Limited; EB-2012-0064

We are writing on behalf of Toronto Hydro-Electric System Limited (Toronto Hydro) with regard to the process for completion of the initial phase of the EB-2012-0064 proceeding.

We understand that one of the three Board panel members seized of this case will be unable to participate in the case for a period of time due to a medical procedure. While Toronto Hydro has communicated to the Board the importance of an expeditious consideration of its application, Toronto Hydro nevertheless respectfully requests that the Board await the return of the third panel member before rendering its decision in respect of any part of the first phase of this proceeding.

There are a number of reasons for Toronto Hydro's request. First, the full three-member panel of the Board seized of this case has been involved with the case from the outset and clearly has invested considerable time and effort in reviewing and hearing the evidence, including the evidence that was given orally before the Board panel in December of 2012. Second, the Board has indicated its intention to issue a single decision in respect of the "two processes" that comprise the initial phase of this proceeding¹ and the process for consideration of the Bremner project remains to be completed before the Board can render its decision. Third, given the schedule that has been established for completion of oral evidence and submissions with regard to the Bremner project,² it seems reasonable to expect

¹ EB-2012-0064 Procedural Order No. 3, November 8, 2012, page 3.

² EB-2012-0064 Procedural Order No. 4, January 24, 2013, page 3.

January 29, 2013

Page 2

that the third panel member will be able to return at a time that will allow him to continue to participate in the initial phase of this proceeding.

For all of these reasons, Toronto Hydro is of the view that the appropriate course of action is to proceed in accordance with the expectation that the remainder of the initial phase of this case can be concluded in a manner that accommodates the return of the third panel member.

Yours truly,

AIRD & BERLIS LLP



Fred D. Cass

FDC/

c.c. All EB-2012-0064 Intervenors
Amanda Klein, Toronto Hydro