

Schedule A
(to fairness hearing order - long form notice to plaintiff class)

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Notice under the Ontario *Class Proceedings Act*

**TO ALL CUSTOMERS OF
TORONTO HYDRO AND ALL OTHER
LOCAL MUNICIPAL ELECTRICITY
DISTRIBUTION COMPANIES IN
ONTARIO**

If you were a customer of Toronto Hydro or any other local municipal electricity distribution company (“LDC”) in Ontario and paid late payment penalties at any time after April 1, 1981, this notice will be important to you. A settlement of the class action by Jonathan Griffiths and Tamar Pichette against Toronto Hydro representing itself and all other LDCs in Ontario, has been reached.

This notice is published by order of the Honourable Justice Cumming of the Ontario Superior Court of Justice and explains:

1. The description of the plaintiff class;
2. The description of the defendant class;
3. The settlement terms of the lawsuit; and
4. How you can participate in the hearing to consider the settlement.

1. THE DESCRIPTION OF THE PLAINTIFF CLASS

The class of customers on whose behalf the lawsuit was brought consists of:

All persons who:

- (a) are, or were, customers of:
 - (i) Toronto Hydro at any time after April 1, 1981, or
 - (ii) any other local municipal electricity distribution company in Ontario at any time after April 1, 1981, and
- (b) paid any Late Payment Penalties to Toronto Hydro or any other local municipal electricity distribution company in Ontario after April 1, 1981.

2. THE DESCRIPTION OF THE DEFENDANT CLASS

The class of utilities against whom the lawsuit was brought consists of:

Toronto Hydro and all other local municipal electricity distribution companies (or their successor corporations) in Ontario which have charged Late Payment Penalties on overdue utility bills at any time after April 1, 1981.

For greater certainty, if a municipality sold the assets of a local municipal electricity distribution utility to Hydro One and the municipality retained liability for claims relating to late payment penalties, then the municipality is a member of the defendant class.

3. THE SETTLEMENT TERMS OF THE LAWSUIT

The settlement provides for a payment of \$17,037,500 comprised of \$16,250,000 for claim and pre-judgment interest, \$750,000 for partial indemnity costs and \$37,500 for GST on such costs from Toronto Hydro, and all participating LDCs (or their successor corporations) in Ontario.

The settlement provides that after deducting the legal fees and disbursements approved by the court and all applicable GST/HST, the balance of the \$17,037,500 shall be paid to the Winter Warmth Fund managed by the United Way of Greater Toronto and similar low-income energy assistance programs managed by charities in all other areas serviced by the participating LDCs and used for the indirect benefit of members of the plaintiff class.

Legal fees and disbursements of \$4,862,500 are proposed to be paid to the lawyers for the class, subject to court approval. Any such legal fees or disbursements not approved by the court will be added to the money paid to the low-income energy assistance programs. Applicable GST/HST will be paid regarding the approved legal fees and disbursements.

The settlement provides that Plaintiff Class Members may opt out of this lawsuit and sue their utility separately, or not sue at all. If more than 10,000 Plaintiff Class Members opt out, then the defendant will have the option of cancelling the entire settlement.

The settlement also provides that Defendant Class Members (other than Toronto Hydro and Defendant Class Members which have consented to this settlement and waived their opt out rights) may opt out of this lawsuit, in which

case they may be sued in separate individual actions or in class actions by representatives of their particular customers.

4. HOW YOU CAN PARTICIPATE IN THE HEARING TO CONSIDER APPROVAL OF THE SETTLEMENT

The settlement is subject to approval by the court after the class members have a chance to comment about the settlement.

Justice Cumming will hold a hearing to consider the settlement at 10 o'clock a.m. on Friday July 16, 2010 at the Court House, 330 University Ave., Toronto.

Any plaintiff class member or defendant class member is entitled to make submissions to Justice Cumming regarding the settlement. To do so the class member is requested to, not later than 2 p.m. on Wednesday July 7, 2010, serve a written notice of the desire to appear on the plaintiffs and defendant and file it with proof of service at the Court House, 330 University Ave., Toronto. The notice should briefly indicate, if opposed to the settlement, the nature of the objection. If the class member wishes to file affidavits for use at the hearing the class member is requested to, not later than 2 p.m. on Wednesday July 7, 2010, serve and file any such affidavits.

The plaintiffs may be served through one of their solicitors, Theall Group LLP, Attn: Dorothy Fong, Suite 1410, 4 King Street West, Toronto, Ontario, M5H 1B6. The defendant Toronto Hydro may be served through its solicitors Ogilvy Renault LLP, Suite 3800, Royal Bank Plaza, South Tower, 200 Bay St., P.O. Box 84, Toronto, Ontario, M5J 2Z4, Attn: Jennifer Teskey.

If you wish to obtain a copy of the Minutes of Settlement showing full details of the settlement, you may visit *www.electricitylatepaymentpenaltyclassaction.com* or contact Theall Group LLP, Attn: Dorothy Fong, Suite 1410, 4 King Street West, Toronto, Ontario, M5H 1B6 (e-mail address: dfong@theallgroup.com) or Ogilvy Renault LLP, Suite 3800, Royal Bank Plaza, South Tower, 200 Bay St., P.O. Box 84, Toronto, Ontario, M5J 2Z4, Attn: Jennifer Teskey (e-mail address: jteskey@ogilvyrenault.com).

The court papers in this lawsuit are available for inspection at the office of the Superior Court of Justice, Court House, 361 University Ave., Toronto, Ontario, court file numbers 98-CV-158062 and 94-CQ-50878.

Please DO NOT CALL Justice Cumming or the registrar of the court. They will not be able to answer your questions about the case.

May 21, 2010