

APPENDIX D

Francis De Sena

From: "Francis De Sena" <fdesena@on.aibn.com>
To: <pspenca@lockyerspenca.on.ca>
Sent: Tuesday, May 20, 2003 10:31 AM
Subject: Bluewater Power and Amtelecom

Mr. Peter Spence:

Further to our last correspondence with you in this matter, we have now received further information and instructions from our client, Bluewater Power.

In that regard, you are no doubt well aware of the Supreme Court of Canada Decision in favour of the LDCs. Accordingly, we have been instructed to notify you that unless your client agrees to the proposed User Agreement prior to May 27, 2003, then Bluewater Power shall in fact take all necessary steps to terminate the use of their poles by Amtelecom and thereafter, pursue the outstanding payment of arrears, interest and legal costs as against your client.

Please notify your client and advise the writer on how your client wishes to proceed.

Very truly yours,
Francis E. De Sena
Barrister and Solicitor
422 East Street North
Sarnia, Ontario
t.519.336.9999
f.519.336.9131



October 23, 2003

Loralee Smith
Contracts Manager
Shaw Communications Inc.
630 Third Ave SW 10th FL,
Calgary AB T2P 4L4

Dear Ms. Smith:

Re: Invoices 40576, 40915, 41104, 41393, 41577, 41951, 42306

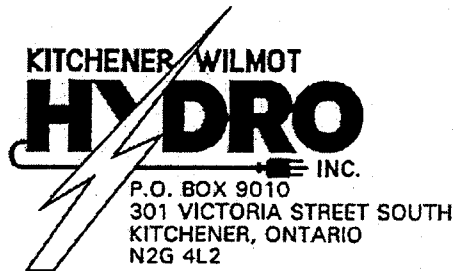
As you are aware, on May 16, 2003, the Supreme Court of Canada overturned a decision by the Canadian Radio-television and Television Commission that set pole attachment rates at \$15 per pole. Enclosed are outstanding invoices from January of 2002 to the present for which we request payment within thirty days. We will not accept any further attachments to our poles if the payment remains outstanding beyond thirty days.

In addition, the Supreme Court ruling affects invoices previously issued for the period from January 1, 1997 to December 31, 2001. The rental charges were invoiced at \$15.89 per pole pending the outcome of the court proceedings. Please contact the undersigned to make arrangements for payment at \$40.92 per pole for this period.

Yours truly,

Terry Greco, CA
VP Financial Services
PUC Services Inc.
Sault Ste. Marie ON P6A 6P2
705-759-6566
terry.greco@ssmpuc.com

OCT 29 2003



Ron W. Charie
PRESIDENT & C.E.O.
TEL : (519) 746-4771
FAX: (519) 571-9338

October 27, 2003

Mr. John T. Armstrong
Director, Municipal & Industry Relations
333 Bloor Street East
Toronto, ON M4W 1G9

Re: Joint Use Pole Agreement

Dear Mr. Armstrong:

The issue of a Joint Use Pole Agreement with Rogers Cable was reviewed and discussed at a Board meeting of Kitchener-Wilmot Hydro Inc. at their meeting held on October 24, 2003.

Please be advised as a result of the position taken by Rogers Cable respecting the Joint Use Pole Agreement as well as the non payment of our invoice for pole attachments that no new permits for the attachment of your equipment to our poles will be approved effective immediately.

Please govern yourselves appropriately.

Yours truly,

President & C.E.O.

R. Charie, B.Comm., C.G.A.
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