



**TORONTO HYDRO-ELECTRIC SYSTEM LIMITED**

**NOTICE OF COURT HEARING  
TO APPROVE PROPOSED CLASS ACTION SETTLEMENT**

**PUBLICATION OF THIS NOTICE HAS BEEN ORDERED BY THE ONTARIO SUPERIOR COURT OF JUSTICE**

**This notice is to persons who were customers of Toronto Hydro-Electric System Limited and paid interest on an overdue account with a statement date between July 1, 2000 and December 8, 2010, inclusive ("Class Members").**

**READ THIS NOTICE CAREFULLY AS IT MAY AFFECT YOUR LEGAL RIGHTS,  
WHEREVER YOU LIVE.  
YOU MAY BE ENTITLED TO COMPENSATION UNDER A CLASS ACTION SETTLEMENT.**

A class action lawsuit has been commenced in Ontario against Toronto Hydro-Electric System Limited (the "Defendant").

The class action lawsuit relates to the payment of interest on overdue customer accounts. The lawsuit alleges that the Defendant violated the *Interest Act*, R.S.C. 1985, c. I-15, as amended (the "*Interest Act*"), during the period from July 1, 2000 through to and including December 8, 2010 by billing its customers (retail, commercial or otherwise) interest on overdue accounts at a monthly rate without stating the equivalent annual rate on the bill, where the annual rate of interest charged was in excess of 5% per year.

The Parties have entered into a Settlement Agreement to resolve the litigation. The Settlement Agreement is a compromise of disputed claims and is not an admission of liability, wrongdoing, or fault on the part of the Defendant, which denies the allegations against it.

The terms of the Settlement Agreement provide for three forms of relief for the Class:

1. Class Members that, between December 7, 2008 and June 29, 2011 inclusive, either paid to the Defendant or had credited to their accounts for reasons other than this action a cumulative amount equal to or greater than \$30.00 in interest charged at a rate of more than 5% per annum in respect of bills issued on or before December 8, 2010 will be entitled to receive, by mailed cheque to your last known address in the records of the Defendant or by credit to your account if you are an existing customer, partial repayment of such monies. **If you are eligible to receive a cheque, but the cheque is lost, returned or not cashed within six (6) months following the issuance of the cheque, then your monies will be distributed to the charities listed below. You will not be issued a replacement cheque under any circumstance.**

2. Within sixty (60) business days of court approval of the Settlement Agreement, the Defendant will take all reasonable steps to cancel all outstanding interest owing by Class Members in excess of 5% per year on electricity bills dated on or before December 8, 2010.

3. The Defendant will pay approximately \$600,000.00, less Class Counsel Fees, to the following charities: United Way Centraide Canada, Red Door Family Shelter and Second Harvest.

The Settlement Agreement is conditional on the approval of the Ontario Superior Court of Justice. Class Members may, but are not required to, attend the settlement approval motion ("Approval Motion") that will be held on April 30, 2012 at 10 a.m, in Toronto, Ontario.

In addition to seeking the Court's approval of the Settlement, Siskinds LLP will seek the Court's approval of its legal fees not to exceed 25% of the settlement amount, plus applicable taxes ("Class Counsel Fees") at the Approval Motion. Class Counsel Fees will be deducted from the amounts distributed to Class Members.

If you wish to comment on, or make objection to, the Settlement Agreement or Class Counsel Fees, you must do so in writing. All objections must be submitted to Class Counsel (at the addresses listed below) no later than April 16, 2012. Class Counsel will forward all such submissions to the Court.

If you wish to opt out of this proceeding, you must submit a completed opt out form to counsel for the Defendant, postmarked no later than April 16, 2012, at the following address:

Davis LLP  
1 First Canadian Place, Suite 6000  
PO Box 367  
100 King Street West  
Toronto, ON M5X 1E2

Attention: Kelly Friedman

More information about the settlement, including a copy of the Settlement Agreement and an Opt Out Form, is available online at [www.classaction.ca](http://www.classaction.ca). Questions about the proposed settlement should be directed to Class Counsel:

Siskinds LLP  
203-47 Colborne Street  
Toronto, Ontario M5E 1P8  
Canada

Email: [hydroclassaction@siskinds.com](mailto:hydroclassaction@siskinds.com)

If there is a conflict between the provisions of this notice and the Settlement Agreement, the terms of the Settlement Agreement will prevail.

