



EB-2006-0189
EB-2006-0200

IN THE MATTER OF section 6.1.5 of the Ontario Energy Board's Transmission System Code;

AND IN THE MATTER OF an application by Hydro One Networks Inc. for the review and approval of connection procedures;

AND IN THE MATTER OF an application by Great Lakes Power Limited for the review and approval of connection procedures.

PROCEDURAL ORDER NO. 3

The subject matter of this combined proceeding are applications filed by each of Hydro One Networks Inc. ("Hydro One") and Great Lakes Power Limited ("Great Lakes") for review and approval by the Board of their respective connection procedures pursuant to section 6.1.5 of the Board's Transmission System Code ("TSC"). The Board assigned file number EB-2006-0189 to Hydro One's application and file number EB-2006-0200 to Great Lakes' application.

Procedural History

The Board issued its Procedural Order No. 1 on October 18, 2006. The Procedural Order provided for the filing of written interrogatories, responses to written interrogatories, written submissions and written reply submissions in relation to the proposed connection procedures.

On December 11, 2006, the Board issued its Procedural Order No.2 extending the deadline for intervenors and Board staff to file written submissions on Hydro One's and Great Lakes' connection procedures. Written submissions respecting the proposed connection procedures of each transmitter were received by Friday, January 26, 2007,

and written submissions in reply were received from Hydro One and Great Lakes by Friday, February 23, 2007.

Emergence of Cost Responsibility Issues Associated with Transmission Plans

Subsection 6.3.6 of the TSC requires transmitters to develop plans to meet load growth and maintain system reliability. It also states that a transmitter cannot require a capital contribution for a connection facility that was otherwise planned by the transmitter, except for advancement costs.

Hydro One's written reply submissions of February 23, 2007 revealed an interpretation of subsection 6.3.6 of the TSC which may have significance for connecting customers and others. Specifically, one possible implication of that interpretation is that a large number of situations could arise where Hydro One would finance the construction and reinforcement of line connection facilities through the Line Connection Pool, without obtaining a capital contribution from the connecting parties. The relevant extract from Hydro One's written reply submissions is attached as Appendix B to this Procedural Order. The Board notes that Hydro One's interpretation was provided in response to the written submissions filed by Board staff, and had not previously been elaborated on or covered in this proceeding. The relevant extract from Board staff's January 26, 2007 written submissions is attached as Appendix C to this Procedural Order.

The practical effect of Hydro One's interpretation of subsection 6.3.6 of the TSC has since been manifested in two leave to construct proceedings that are currently before the Board under section 92 of the *Ontario Energy Board Act, 1998*. One proceeding (EB-2007-0013) relates to an application filed by Hydro One on February 28, 2007 for leave to construct the "Western Brampton Transmission Reinforcement Project". The other (EB-2007-0027) relates to an application filed by Hydro One on March 9, 2007 for leave to construct the "Woodstock Area Transmission Reinforcement".

Moreover, these two projects are included in the list of "Development Capital" projects that has been filed by Hydro One in the context of its transmission rate application (proceeding EB-2006-0501) that is also currently before the Board.¹ During Board counsel's cross-examination of Hydro One's witness panel no. 2, it became apparent that Hydro One's intention was for the cost of both of these projects, as well as of a third (Project D8 – Cambridge Preston to add a 250 MVA/115 kV autotransformer), to be

¹ The Western Brampton project is referenced as Project D9 and the Woodstock project is referenced as Project D13.

financed from the Line Connection Pool.² Accordingly, no capital contribution would be sought from the connecting parties. This position was identified as being in accordance with section 6.3.6 of the TSC.

On May 11, 2007, Hydro One filed a letter with the Board identifying the rationale and merits underlying its proposed treatment of capital contributions consistent with subsection 6.3.6 of the TSC. The letter also indicated Hydro One's view that any decision on alternate positions with respect to capital contributions should be discussed on the public record as part of this combined proceeding. This letter is attached as Appendix A to this procedural Order.

The Board is of the view that this proceeding is the most appropriate one in which to determine the interpretation and application of Section 6.3 of the TSC which deals with Cost Responsibility. The connection procedures that will ultimately be approved in this proceeding will govern the connection activities of each of Hydro One and Great Lakes, including the application of subsection 6.3.6 and associated cost responsibility issues. The Board also considers it appropriate to invite submissions on these issues from persons beyond simply those that are parties to this proceeding. This will allow for a more comprehensive exchange on the issue and allow an opportunity for other directly interested parties to make their positions known on issues that may significantly affect them in the future. The Board will therefore invite submissions from the following: (See Appendix D to this Procedural Order for the list):

- intervenors in this Combined Connection Proceeding;
- intervenors in the transmission rate hearing (EB-2006-0501);
- intervenors in the two leave to construct applications (EB-2007-0013 and EB-2007-0027);
- Toyota Motor Corp., Hydro One Brampton, and Hydro One Networks Distribution; and
- the licensed transmitters - Great Lake Power Ltd., Canadian Niagara Power Inc., and Five Nations Energy Inc.

For ease of reference, Appendices A,B,C to this Procedural Order are:

- Appendix A - Hydro One letter to the Board dated May 11, 2007;
- Appendix B - Extract from Hydro One's reply submission dated February 23, 2007, dealing specifically with the issue of disclosure of transmission plans and subsection 6.3.6 of the TSC on cost responsibility;

² Transcript of proceeding EB-2006-0501, Volume 2, April 24, 2007– pp. 93 to 108.

- Appendix C - Extract from Board staff submission dated January 26, 2007, which deals specifically with the issue of disclosure of transmission plans.

The Board considers it necessary to make provision for the following procedural matters related to this combined proceeding. Further procedural orders may be issued from time to time.

THE BOARD ORDERS THAT:

1. Board staff and each person listed in Appendix D, other than Hydro One Networks Inc., may file its written submissions on the interpretation of Section 6.3 of the Transmission System Code and on associated cost responsibility issues including subsection 6.3.6 with the Board no later than **July 9, 2007**, and shall deliver a copy of the written submissions to Hydro One Networks Inc. The Board will post these submissions on its website at www.gov.on.ca, so that any person can access submissions made by the other persons.
2. Hydro One Networks Inc. shall file its written reply submissions with the Board no later than **July 23, 2007**, and shall deliver the written reply submissions to all persons listed in Appendix D.
3. All filings to the Board noted in this Procedural Order must be in the form of 9 hard copies and must be received by the Board by 4:45 p.m. on the stated dates. An electronic copy of the filing must also be provided, in searchable Adobe Acrobat (PDF), if available, or in Microsoft Word. Electronic copies may be submitted on diskette or by e-mail to the Board Secretary at Boardsec@oeb.gov.on.ca.

DATED at Toronto, June 7, 2007

ONTARIO ENERGY BOARD

Original Signed By

Peter H. O'Dell
Assistant Board Secretary

Appendix A

EB-2006-0189

EB-2006-0200

June 7, 2007

Hydro One's letter to the Board dated May 11, 2007

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BY COURIER

May 11, 2007

Ms. Kirsten Walli
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Dear Ms. Walli:

EB-2006-0189 – Hydro One Networks' Application for Approval of Connection Procedures pursuant to the Transmission System Code

On August 18, 2006, Hydro One filed its Connection Procedures with the Board as part of EB-2006-0189. The Procedures included a proposal on the treatment of capital contributions consistent with Section 6.3.6 of the Code which exempts a transmission customer from the need to make a capital contribution where the new or modified connection facility in question is already identified in the transmitter's plans.

Hydro One understands from Volume 2 (April 24, 2007) of the transcript from EB-2006-0501 that others may have alternate positions on the treatment of capital contributions under the Code. We also understand from the same transcripts that the matter of capital contributions will be dealt with in EB-2006-0189 and, furthermore, that the decision will be issued "fairly soon."

Hydro One is of the view that any decision on alternate positions with respect to capital contributions should be discussed on the public record as part of EB-2006-0189. The rationale and merits of Hydro One's proposed approach should be understood and included as part of the official record. Hydro One's proposed treatment of capital contributions as filed in its Connection Procedures:

- is consistent with the Section 6.3.6 of the Code;
- enhances transmission system planning as broader system considerations and wider-ranging transmission solutions can be included, rather than simply meeting the current connecting customer's needs;
- facilitates expansions involving multiple customers with different timing and supply needs;

- mitigates risk of overloading from deferred expansions due to inadequate customer financing; and
- reflects Hydro One's accountability for transmission adequacy.

Hydro One also wishes to advise the Board that, in the event that the Board should decide that capital contributions are to be required from customers for Local Area Supply, three ramifications need to be taken into consideration:

1. Some customers may be unable to raise the capital required to proceed with implementation;
2. LDCs will need the regulatory approvals to recover these costs from their customers;
3. In the event that the system investments do not proceed as a result of the customer's inability or reluctance to pay the capital contribution, the accountability for the resulting infrastructure shortfalls cannot and should not shift to the transmitter.

Hydro One will be pleased to respond to submission(s) from Board Staff or other intervenor(s) on this matter, particularly in regards to alternate interpretations of Section 6.3.6 of the Code that differ from Hydro One's proposed treatment of capital contributions. In light of the specific language contained in Section 6.3.6, Hydro One is of the view that any alternate interpretations will need to be fully and unambiguously articulated.

Sincerely,

ORIGINAL SIGNED BY SUSAN FRANK

Susan Frank

c. EB-2006-0189 Intervenors

Appendix B

EB-2006-0189

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June 7, 2007

Extract from Hydro One's Reply Submission dated February 23, 2007

Transmission Plans

~~underground cable installations, wholesale metering, project engineering packages, various turnkey projects, site grading, and environmental services. There is no Hydro One policy to change that fact.~~

~~**Contestability: Work on the transmitter's existing assets or lands**~~

~~ECAO made submissions that question the contestability of work on Hydro One's facilities and lands.~~

~~Hydro One does not share ECAO's interpretation of the TSC and s. 6.6.2 thereof in particular. Hydro One states that the plain meaning of s. 6.6.2 is that there are two kinds of work being referred to: *uncontestable work* and *contestable work*. The uncontestable work is work that can be done by the transmitter only, which includes work on its own existing facilities and lands; and the contestable work is connection facility construction and design work that the customer has the option to perform itself or require the transmitter to perform.~~

~~While Hydro One disagrees with ECAO's view that there are no standards or operating procedures that are particular to Hydro One and would therefore prevent independent electrical contractors from performing work on Hydro One facilities and lands, this point is not relevant to the definition of uncontestable work. Hydro One has a critical responsibility of stewardship over the Ontario transmission system to ensure the safety, physical security, cyber security and reliability of real-time operations on the system. Hydro One submits that it would be inappropriate and over-reaching to interpret anything in either the legislation or the TSC to found the theory that transmitters must permit contractors to construct facilities on a transmitter's assets or lands, against the will of the transmitter.~~

~~**Transmission Plans**~~

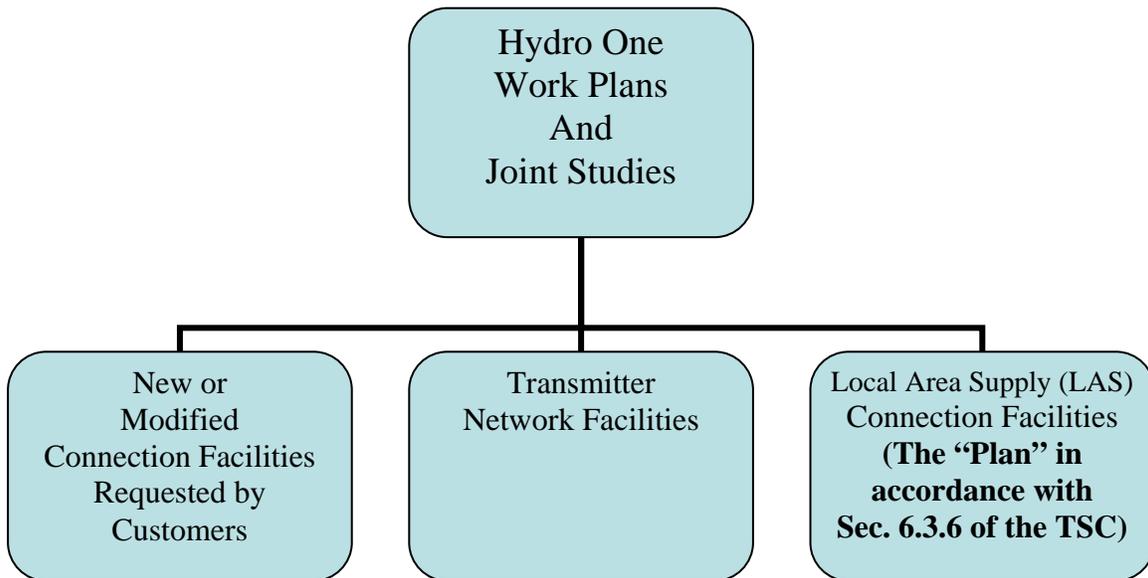
OEB Staff made submissions about the "Transmission Plans" that Hydro One has proposed to provide to customers as per section 6.3.6 of the TSC. OEB Staff's main issue is that Hydro One proposes to exclude certain classes of plans from the requirement set out in section 6.3.6 of the TSC. The exclusions cover situations that are classed as either customer-driven or network facilities.

It is important to differentiate between the planning information that Hydro One develops with customers through joint studies and work plans to meet their electricity supply needs and "Transmission Plans" that Hydro One proposes to provide to customers under its obligation in the TSC for determining cost responsibility in accordance with Section 6.3.6 of the Code.

OEB Staff's submission refers to the list of facilities that will be excluded from the Plan referred to in section 6.3.6 of the TSC for the purpose of determining whether capital contribution is required. The Plan referred to in this context is not intended for the purpose of providing a "complete picture" of the transmission system expansion in any

particular area. It is not the vehicle for sharing all system information with customers who wish to connect or modify their connections to the Hydro One system, but rather a tool for determining cost responsibility. Hydro One notes that the title of section 6.3 of the Code, which specifies the purpose of the Transmission Plan, is “Cost Responsibility for New and Modified Connections.”

Hydro One’s proactive planning process ensures that Hydro One works with customers to find solutions to connect customers and provide a safe, secure and reliable power supply. Hydro One works together with customers through joint work plans and studies to ensure that reliable supply is provided. These work plans and joint studies may include any of the three types of facilities illustrated in the chart below.



For the purpose of Section 6.3.6 of the TSC, i.e. for the purpose of determining whether capital contribution is required other than for advancement costs, the connection facilities referred to in this section of the TSC will only include the Local Area Supply (LAS) connection facilities as indicated in Section 3.0 of the Customer Connection Procedures. Connection facilities other than LAS facilities may be part of a joint study in which Hydro One participated but not necessarily part of the Plan referred to in Section 6.3.6 of the TSC.

~~**Connection and Cost Recovery Agreement (CCRA) Templates**~~

~~The TSC does not require Hydro One to file its CCRA templates for Board approval as part of the Customer Connection Procedures application. The CCRA templates (for Load Customers and Generators) were provided in response to interrogatories for the information of the Board and other parties to this proceeding. OEB Staff and OPG have made submissions on the CCRA templates. Where the parties’ comments are helpful in improving Hydro One’s CCRA templates, Hydro One will make changes to the templates and has so indicated in the responses below. Where Hydro One does not agree with the comments submitted, an explanation is provided at the end of Section 2 below.~~

Appendix C

EB-2006-0189
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June 7, 2007

Extract from Board staff Submission dated January 26, 2007

TRANSMISSION PLANS

11. Transmission Plans
Ref.(a) IR #37
Ref.(b) H1N-CCP/ Section 3.0 Transmission Plans/ p. 51

Issue

Hydro One proposes to exclude certain classes of plans from the requirement set out in Section 6.3.6 of the TSC. The exclusions cover situations that are classed as either customer-driven or as network facilities.

Analysis

In Board staff IR # 37, Board staff asked why Hydro One seeks to exclude certain classes of plans from the requirement set out in Section 6.3.6 of the TSC, In its response, Hydro One addressed different exclusions as described below.

Hydro One stated that the exclusion covers “New or modified transformation and line connection facilities that step down voltage from above 50kV to below 50kV and supply one delivery point, or several delivery points for one customer. These facilities are customer-driven and would not otherwise be planned by the transmitter.” Board staff submits that plans resulting from other transmitter customers’ requests that involve new, or the reinforcement of, Line Connection Facilities should be included because this would have an impact on a new customer’s options for requesting to connect.

Hydro One stated that the exclusion covers “Changes to the transmission system that are requested by load customers for the purpose of improving delivery point supply reliability beyond the requirements of the Code. These facilities are also customer-driven and would not otherwise be planned by the transmitter.” Board staff notes that a customer’s request and payment for new or reinforcement of a transmitter’s transmission connection facilities does not prevent other customers from benefiting from such facilities subject to all relevant provisions of the TSC, which protects all customers in terms of capital contribution and proprietary

information. Board staff submits that inclusion of such a plan would be very important to customers as the plan provides a complete picture of the transmission system expansion in any particular area.

Hydro One stated that the exclusion covers “Changes to the transmission system that are already being addressed through Hydro One’s Delivery Point Performance Standards process. While this type of work may also require a capital contribution, it is funded by a separate (OEB-approved) process and not through the connection process.” Board staff submits that inclusion of such a plan would be very important to customers as the plan provides a complete picture of the transmission system expansion in any particular area.

Hydro One stated that the exclusion of plans covers new or modified network facilities, as they are not part of the “connection facilities” referred to in Section 6.3.6 of the Code. Board staff submits that the exclusion of plans regarding new or modified network facilities could have an impact on options for requesting to connect (e.g., if the plan includes building a new Network Transmission Line in a certain area that may be an attractive option to a customer, but would be missed if the proposed exclusion was retained).

Appendix D

EB-2006-0189

EB-2006-0200

June 7, 2007

List of Persons invited to make Submissions in response to Procedure Order No. 3

- intervenors in this Combined Connection Proceeding;
- intervenors in the transmission rate hearing (EB-2006-0501);
- intervenors in the two leave to construct applications (EB-2007-0013 & EB-2007-0027);
- Toyota Motor Corp., Hydro One Brampton, and Hydro One Networks (Distribution);
- The licensed transmitters - Great Lake Power Ltd., Canadian Niagara Power Inc., and Five Nations Energy Inc.

APPLICANTS AND INTERVENORS

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8. **Five Nations Energy Inc.**

***(Late Intervention – November 3,
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HYDRO ONE NETWORKS INC.
Electricity Transmission Rate Change
EB-2006-00501
APPLICANT & LIST OF INTERVENTIONS

March 5, 2006

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Intervenors

Rep. And Address for Service

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