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January 12, 2007

VIA MAIL AND EMAIL

Ontario Energy Board
P.O. Box 2319,
27th Floor
2300 Yonge Street
Toronto, Ontario M4P 1E4

Attention: Peter H. O'Dell, Assistant Board Secretary

Dear Mr. O'Dell:

Re: Staff Proposal for Filing Requirements for Service Area Amendments
EB-2006-0327

We enclose three copies of the comments of Power Workers' Union in connection with this matter. An electronic copy has been forwarded to you by email in accordance with the Board's directions dated December 20, 2006.

Yours very truly,
PALIARE ROLAND ROSENBERG ROTHSTEIN LLP

Richard P. Stephenson

RPS:jr

cc: J. Sprackett (*via email*)
J. Kwik (*via email*)

Doc 646203

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Attention: Peter H. O'Dell, Assistant Board Secretary

Dear Mr. O'Dell:

Re: Staff Proposal for Filing Requirements for Service Area Amendments EB-2006-0327

Please accept the following as comments filed by the Power Workers' Union ("PWU") in respect of the OEB Staff Draft Proposal re filing requirements for service area amendment applications.

The PWU supports the provisions of the OEB Staff Draft Proposal, subject to the comments below.

7.2 Efficient Rationalization of the Distribution System

Subparagraph 7.2.1(g) of the OEB Staff Draft Proposal provides that the applicant should provide a comparison of the economic and engineering efficiency of service by each of the applicant and the incumbent including a "demonstration that the proposed infrastructure enables cost-efficient expansion if there is growth potential, or improvements and upgrades when needed."

The PWU suggests this provision should be clarified and supplemented by an explicit requirement that the applicant file evidence demonstrating that the SAA, if approved, would not adversely affect the costs of providing electricity service upgrades by the incumbent in the parts of its service territory which are adjacent to the proposed SAA territory.

The PWU suggests that such a requirement is entirely consistent with the objects of the Board's Requirements for the SAA applications, and in particular that such applications support and do not diminish the cost-efficient provision of electricity services, both within the proposed SAA territory, and in adjacent service territories.

While this proposed addition may be implicit in the current provisions of 7.2.1(g) of the Board Staff draft, the point should be made expressly, so as to remove any ambiguity.

7.5 Additional Information Required for Contested Applications

The PWU suggests that the introductory paragraph of this section should be amended to make explicit that a "contested" application is any application for which the incumbent distributor has not provided consent expressly. In particular, it would include an application where the incumbent distributor simply advises that "it does not oppose the application".

Finally, the PWU notes that the provisions of both sections 7.5.4 and 7.5.5 of the Board Staff's Draft appear to water down the quality of the evidence an applicant is required to file in respect of each of those matters as compared to the requirements set out by the Board in its decision in RP-2003-0044. In particular, section 7.5.4 of the Board Staff draft provides that:

> **If available, provide a comparison of the new or upgraded electrical infrastructure necessary for each distributor to serve the proposed connection.**

The comparable provision contained RP-2003-0044 provided that:

> **Detailed comparison of the new or upgraded electrical infrastructure necessary for each distributor to serve the proposed connection and load.**

Similarly, section 7.5.5 of the Board's draft proposal provides that:

> **If available, provide evidence of service quality, including reliability specific to the proposed service area for each distributor.**

The comparable provisions of RP-2003-004 provided that:

> **Quantitative (not anecdotal) evidence of quality and reliability of service by distributor to similar customers in comparable locations and densities.**

The PWU notes that no rationale has been provided by Board Staff as to why the filing requirements in respect of these matters have been reduced. No policy justification for doing so is apparent.

We trust the Board finds these comments useful.

Yours very truly,
PALIARE ROLAND ROSENBERG ROTHSTEIN LLP

Richard P. Stephenson

RPS:jr

cc: J. Sprackett (*via email)*
J. Kwik (*via email*)

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