

Wirebury Connections Inc. INTERROGATORY #19

Interrogatory

Networks contends that competition for customer connections should be limited to new customers where the customer's building is located along the applicant's distribution lines.

Reference: p.20, L 25-27

- a) How is this view compatible with applicable legislation, which was drafted broadly with respect to non-exclusivity? What explanation does Hydro One have for the legislation not putting any limits or restrictions on overlap?
- b) Why should customer choice be limited to customers that lie along existing lines?
- c) Please provide the legislative authority that would preclude a customer from requesting connection or an offer to connect from any LDC that is licensed.
- d) Please provide the legislative authority that would prevent a LDC from providing an offer to connect and applying to the Board for a service area amendment if the customer accepted that offer.

Response

- a) See Networks' pre-filed evidence, Appendix A.2.1. One of the purposes of this hearing is to determine whether competition for customers is in the public interest. While "non-exclusivity" comes under section 70(6) of the OEB Act, Networks suggests this section must be read in conjunction with the rest of the OEB Act and the Electricity Act. In particular, the OEB Act that requires distributors to have licences, and the licences spell out territory, and the Electricity Act that outlines where there is an obligation to connect. The very fact that licence amendment applications are required is evidence that "non-exclusivity" must be read in conjunction with other sections. In Networks' view, a reasonable understanding of the legislative framework would not suggest that section 70(6) must be read with the paramountcy suggested by Wirebury.
- b) The premise of the interrogatory is incorrect because the context of the reference was related to the case of overlapping service territory. Please see Networks'

1 Exhibit J8-10-09 and Networks' pre-filed evidence p. 3, lines 1 to 7, and
2 Appendix A.2.1.

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4 c) And (d)

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6 There is no preclusion in the legislation on customers requesting a connection or an
7 offer to connect from any LDC nor is there any preclusion on LDCs making
8 applications for licence amendments. However, the legislation and a distributor's
9 licence only allow connection if the customer is in the LDC's service area, unless a
10 licence amendment is provided. The legislative authority is clear. There is an
11 obligation to connect for a building or customer that lies along the lines of any
12 distributor, even if the LDC is not the incumbent licensed distributor, although a
13 licence amendment is also required for the distributor to make the connection. The
14 legislation is silent on the obligation of any LDC to make an offer to connect, but
15 there is no legislative preclusion of such a request for an offer. The licence conditions
16 do not provide an obligation to make offers to connect outside the LDC's licensed
17 service territory.

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