



EB-2007-0011

IN THE MATTER OF the *Ontario Energy Board Act, 1998*, S.O. 1998, c.15, Schedule B;

AND IN THE MATTER OF an application by Whitby Hydro Electric Corporation seeking an order to make changes to its Conservation and Demand Management plan;

AND IN THE MATTER OF an application by Whitby Hydro Electric Corporation under section 21(4)(b) of the *Ontario Energy Board Act, 1998*, seeking to dispose of the proceeding without a hearing.

BEFORE: Gordon Kaiser
Presiding Member and Vice Chair

Cathy Spoel
Member

DECISION AND ORDER

Whitby Hydro Electric Corporation (“Whitby Hydro”) filed an application, dated January 10, 2007 for an order to approve changes to its Conservation and Demand Management (“CDM”) plan. On February 20, 2007 Whitby Hydro filed an amendment to the application. Whitby Hydro has also requested, pursuant to subsection 21(4)(b) of the *Ontario Energy Board Act, 1998* (the “Act”) that the Ontario Energy Board (the “Board”) dispose of the proceeding without a hearing. The Board assigned file number EB-2007-0011 to this application.

On February 17, 2005, Whitby Hydro was granted approval of its Conservation and Demand Management (“CDM”) plan. The total approved budget for Whitby Hydro’s CDM plan is \$1,300,000. As a condition of approval, Whitby Hydro was ordered to

- 2 -

apply to the Board for approval if cumulative fund transfers among programs exceeded 20% of the approved budget.

Whitby Hydro seeks to re-allocate funds from existing CDM programs to other new and existing programs. The proposed funding changes are outlined in Table 1 below.

Table 1 – Requested changes to budget

	OEB Approved	Revised	Net
Existing Programs	Budget	Budget	Change
Research	\$25,000	\$23,500	(\$1,500)
BiFuel Peak Shaving Pilot	\$50,000	\$61,500	\$11,500
BiFuel Peak Shaving (Town of Whitby)	\$110,000	\$110,000	\$0
BiFuel Incentive	\$350,000	\$112,000	(\$238,000)
Durham NP Housing Energy Efficiency	\$40,000	\$120,000	\$80,000
Power Medix Residential	\$125,000	\$69,000	(\$56,000)
Power Factor Correction	\$125,000	\$38,000	(\$87,000)
Sub-Metering	\$250,000	\$11,000	(\$239,000)
Education & Training (incl. CFL)	\$75,000	\$220,500	\$145,500
Load Balancing	\$50,000	\$34,000	(\$16,000)
Smart Meters	\$100,000	\$40,000	(\$60,000)
Subtotal - Existing Programs	\$1,300,000	\$839,500	(\$460,500)
New Programs			
CDM Plan Admin/Reporting	\$0	\$25,000	\$25,000
Seasonal Light Program	\$0	\$28,000	\$28,000
Whitby Hydro Energy Audit	\$0	\$58,500	\$58,500
Seniors Care Package	\$0	\$58,000	\$58,000
Community Events	\$0	\$42,500	\$42,500
Website Development	\$0	\$6,000	\$6,000
Subtotal - New Programs	\$0	\$218,000	\$218,000
Flexible Programs			
RAC Drop Off & Recycling (Keep Cool)	\$0	\$79,000	\$79,000
Refrigerator Retirement	\$0	\$163,500	\$163,500
Subtotal - Flexible Programs	\$0	\$242,500	\$242,500
Total Program Costs	\$1,300,000	\$1,300,000	\$0

- 3 -

The new elements of Whitby Hydro's CDM Plan and amounts to be reallocated are as follows:

- Community Events - to educate and distribute CFLs: \$42,500
- Seniors Care Package Program – scheduled pickups of old bulbs and delivery of CFLs, seasonal LED lights, and conservation tips: \$58,000
- Website Development – to create an “Energy Conservation” area: \$6,000
- Seasonal Lighting Program – to replace old incandescent lights with a more efficient LED variety: \$28,000
- Energy Audit of Whitby Hydro's corporate building – to promote a culture of conservation: \$58,500
- Refrigerator Retirement Program – to pickup old refrigerators and offer a rebate: \$163,500
- RAC Drop-Off and Recycling (Keep Cool Program) – to exchange old inefficient room air conditioners for gift cards: \$79,000

Whitby also intends to reallocate \$80,000 to an existing Durham NP Housing Energy Efficiency Program, and also to reallocate \$145,500 to Education & Training, and finally to reallocate an additional \$11,500 to the BiFuel Peaking Shaving Project (Pilot).

In the amendment application dated February 20, 2007, Whitby Hydro stated that there may be some overlap between the nature of the Ontario Power Authority (“OPA”) provincial programs and some new programs included in the proposed revised CDM plan. The amendment application also stated that Whitby Hydro will be undertaking further review to evaluate possible participation in, and funding from, the OPA provincial programs.

Whitby Hydro has requested that the following programs be identified as Flexible Programs:

- RAC Drop-Off and Recycling (Keep Cool) Program: (\$79,000)
- Refrigerator Retirement Program: (\$163,500)

Whitby Hydro requested that funding for Flexible Programs have the option of being used either for the program activity identified, or for use in other programs listed in the

proposed Revised CDM Plan should OPA funding become available for these Flexible Programs. Whitby Hydro stated that this allows an opportunity to review and determine the best use of the Flexible Program funds as more detail and analysis of the OPA program process unfolds.

Whitby Hydro has also requested the Board dispose of this matter without a hearing pursuant to section 21(4)(b) of the Act. Section 21(4)(b) of the Act states that the Board may dispose of a proceeding without a hearing if the Board determines that “*no person, other than the applicant, appellant or licence holder will be adversely affected in a material way by the outcome of the proceeding and the applicant, appellant or licence holder has consented to disposing of a proceeding without a hearing.*”

Whitby Hydro issued public notice of its original CDM application (RP-2004-0203 / EB-2004-0526) as directed by the Board. There were no intervenors in the application. Based on the evidence filed, and in consideration of the level of participant involvement in the original proceeding, the Board finds that no person will be adversely affected in a material way by the outcome of this proceeding, and therefore finds that a hearing is not necessary.

The Board finds that the activities proposed by Whitby Hydro qualify as CDM activities and the Board approves the re-allocation of funds for the existing and new programs. The Board also approves the Flexible Programs as proposed by Whitby Hydro.

It is the expectation of the Board that Whitby Hydro undertake further review to evaluate possible participation in, and funding from, the OPA programs for the RAC Drop-Off and Recycling (Keep Cool) Program and Refrigerator Retirement Program.

THE BOARD ORDERS THAT:

1. Whitby Hydro Electric Corporation is granted approval to reallocate funds among new and existing programs in the amount of \$460,500 as set out in Table 1 of this Decision and Order.

- 5 -

2. Whitby is permitted to reallocate funding for Flexible Programs, subject to securing CDM funding for similar programs through the Ontario Power Authority.

DATED at Toronto, March 22, 2007.

ONTARIO ENERGY BOARD

Original signed by

Peter O'Dell
Assistant Board Secretary