



**Electrical
Safety
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ONTARIO ENERGY BOARD

For Your Safety

February 9, 2005

Ontario Energy Board
2300 Yonge Street
26th Floor
P.O. Box 2319
Toronto, Ontario
M4P 1E4

Attention: Mr. John Zych
Board Secretary

Dear Sir

Re: Ontario Energy Board 2006 Electricity Distribution Rate Handbook Draft 2

The Electrical Safety Authority (“ESA”) is the “Delegated Administrative Authority” designated by Ontario Regulation 89/99 as the authority responsible for electrical safety in Ontario. ESA operates under the terms of an Administrative Agreement with the Ministry of Consumer & Business Services. ESA’s responsibilities include the administration and enforcement of the Electrical Distribution Safety Regulation (Ontario Regulation 22/04). ESA works with a Utility Advisory Council (“UAC”) representing various industry stakeholders that provides advice to ESA on issues pertaining to the ESA’s regulatory mandate, including the implementation of regulation 22/04.

Section 10 of Ontario Regulation 22/04 imposes, effective as of November 11, 2004, a legal obligation on all electrical distributors to respond to locate requests from excavators with “... reasonable information with respect to the location of its underground distribution lines and associated plant within reasonable time.” In order to determine what constitutes the meaning of the terms “reasonable information” and “within a reasonable time” the UAC has developed and approved the ‘Guideline for Excavating in the Vicinity of Distribution Lines’ (“Guideline”).

One of the most heavily debated issues within the 'Locate Subcommittee' and the UAC as a whole was whether or not the OEB's "5 day and 90% of the time, service quality indicator in the 1999 Distribution Rate Handbook should prevail over the Guideline. With input from the OEB representatives the UAC decided that the "5 day and 90% of the time" standard was inadequate. One of the challenges that the ESA now faces is to provide information to all electrical distributors and stakeholders in Ontario that the "5 day and 90% of the time" is no longer the standard for locate responses.

The information in the OEB's most recent draft Distribution Rate Handbook is inconsistent with the information in the Guideline.

In the Guideline under section 2.7 the local distribution company shall make every reasonable effort to respond to notification requests and provide locates within 5 working days of the notification. Whereas in the Handbook Draft 2, in Chapter 15, Service Quality Regulation, Section 15.2.1, Underground Cable Locates, it states, as a minimum standard that cable locates must be completed within 5 working days of a customer's request, at least 90% of the time.

In addition the latest draft of the Distribution Rate Handbook does not make any reference or distinction between the old service quality indicator and the legal obligation under Regulation 22/04 and the corresponding Guideline. At this time, a reasonable response time for locate responses by electrical utilities, with all of the information identified in the Guideline, is 5 working days. This however is not a static target. The UAC passed a resolution at the meeting on October 27, 2004 stating "The electrical distribution industry support and actively engage in discussions with other stakeholders involved in the underground locate issue with the aim of adopting, by November 11, 2006, a common target for responding to locate requests". This would allow local distribution utilities to move closer to the locate target (currently at 2 days) established by the Technical Standards and Safety Authority for gas distribution utilities or the three day locate target recommended by the Ontario Regional Common Ground Alliance for all underground plant owners.

We therefore request that the Board's 2006 Electricity Distribution Handbook include a reference to Regulation 22/04 and the Guideline, and that the Electricity Distribution Handbook also refer to the industry consensus to move towards a faster response time, which is consistent with other organizations that have underground plant.

Yours truly,



Kris Paszkowiak, P. Eng.
General Manager – Utility Regulation
Electrical Safety Authority