



NOTICE OF AMENDMENT TO A CODE
AMENDMENTS TO THE TRANSMISSION SYSTEM CODE

BOARD FILE NO: EB-2008-0003

BY E-MAIL AND WEB POSTING

To: All Licensed Electricity Transmitters
All Participants in Consultation Process EB-2008-0003
All Other Interested Parties

The Ontario Energy Board (the "Board") has today issued amendments to the Transmission System Code (the "TSC") as indicated below, pursuant to section 70.2 of the *Ontario Energy Board Act, 1998* (the "Act").

I. Background: The October, April and September Proposed Amendments

On October 29, 2008, the Board issued a Notice of Proposal to Amend a Code (the "October Notice") in which it proposed a number of amendments to the TSC (the "October Proposed Amendments") that were designed to promote the implementation of the government's policy objectives by facilitating the timely and economically efficient connection of renewable generation facilities in a manner that does not create undue risk for ratepayers. More specifically, the October Proposed Amendments contemplated the implementation of a "hybrid" approach to cost responsibility in relation to "enabler" facilities, being transmission facilities intended to connect multi-proponent clusters of renewable generation resources. Under the proposed hybrid approach:

- enabler facilities would be developed, built, operated and owned by a transmitter;
- the costs associated with an enabler facility would be pooled temporarily;
- each generator would make a pro-rata capital contribution towards the cost of the enabler facility as and when it became ready to connect, calculated as a share of the cost of the enabler facility equal to the share of the capacity of the renewable resource cluster served by the enabler facility represented by the capacity of the generator's facility.

- outstanding costs for any “unsubscribed” portions of an enabler facility would be included in the transmitter’s rate base and be recovered from transmission ratepayers.

Having considered the comments received from stakeholders on the October Proposed Amendments, the Board determined that revisions to the October Proposed Amendments were warranted. The Board issued a Notice of Revised Proposal to Amend a Code on April 15, 2009 (the “April Notice”). The revised proposed amendments (the “April Proposed Amendments”) addressed issues relating to cost responsibility for generation facilities outside a renewable resource cluster; security deposits; the connection of load facilities to an enabler facility; the determination of capital contributions; cost allocation; and certain definitional issues.

On September 11, 2009, the Board issued another Notice of Revised Proposal to Amend a Code (the “September Notice”) that included further proposed amendments to reflect more recent developments arising from the *Green Energy And Green Economy Act, 2009* (the “GEA”). Specifically, the September Notice proposed that there be two additional bases for the identification of enabler facilities and that, where an enabler facility is identified by the OPA based on information and assessments made through the implementation of the feed-in-tariff (“FIT”) program contemplated in the GEA, the hybrid approach to cost responsibility should only apply where the enabler facility proposal satisfies certain screening criteria. The September Notice also proposed certain additional amendments based on the comments received on the April Proposed Amendments. The amendments to the TSC as proposed in the September Notice are referred to in this Notice as the “September Proposed Amendments”.

The Board received written comments on the September Proposed Amendments from 12 interested parties including representatives of electricity distributors, transmitters, generators, ratepayers and the Ontario Power Authority (the “OPA”). These comments, as well as the comments received on the October Proposed Amendments and the April Proposed Amendments Notices, are available for viewing on the Board’s website at www.oeb.gov.on.ca on the Transmission Connection Cost Responsibility Review” webpage on the “OEB Key Initiatives” portion of the “Industry Relations” section of the website.

II. Adoption of September Proposed Amendments with Three Revisions

The Board has considered the comments received in response to the September Notice, and has determined that no material changes are required to the September Proposed Amendments. The Board has therefore adopted the September Proposed Amendments with three revisions as described in section III below.

The amendments to the TSC as adopted by the Board (the “Final Amendments”) are set out in Attachment A to this Notice. Attachment B to this Notice sets out, for information purposes, a comparison version of the relevant sections of the TSC, as amended, relative to the TSC as it existed prior to adoption of the Final Amendments.

III. Summary of Comments in Response to the September Notice and Revisions Adopted by the Board

A number of the comments made by stakeholders provided suggestions or recommendations in relation to the various regulatory processes that will be involved in the identification, development or construction of enabler facilities. The Board appreciates these constructive comments, and will be mindful of them as it refines its approach to those processes and as related matters come before it for consideration.

A. Bases for Identification of Enabler Facilities and the Enabler Screening Criteria

Stakeholders that commented on the proposal to introduce two new bases for the identification of enabler facilities were generally supportive of that proposal.

Similarly, most stakeholders were supportive of the proposal to include screening criteria for enabler facility projects identified by the OPA through implementation of the FIT program. One representative of ratepayers noted its concern that the criteria are not robust enough to meet the standards of proper planning. One representative of renewable generators expressed its opposition to the enabler screening criteria, commenting that the criteria are in its view arbitrary and could lead to the development of uneconomic transmission facilities. This stakeholder proposed that the Board rely instead on the economic assessment that would be carried out by the OPA in determining whether it should propose to the Board that a particular connection facility be designated as an enabler facility. The Board remains of the view that the enabler screening criteria will serve to promote the development of the more economic clusters of renewable resources, and that both criteria should apply where the proposed enabler facility has been identified by the OPA through implementation of the FIT program.

In the September Proposed Amendments, the Board proposed that the minimum 10 km line length criterion be subject to an exception. Specifically, the Board proposed that a line connection facility that is less than 10 km in length could nonetheless be treated as an enabler facility where the OPA demonstrates that the enabler facility approach is a superior option, for technical or cost effectiveness reasons, to that of individual proponent connections (or to connections that are coordinated by proponents). Two stakeholders suggested that the same flexibility in the application of the 100 MW minimum capacity criterion would be desirable, and proposed that a connection facility be treated as an enabler facility in appropriate cases notwithstanding that the capacity of the associated renewable resource cluster is less than 100 MW. The OPA's comment in this regard focussed on transformation facilities, while the similar comment made by a representative of ratepayers did not distinguish between transformation facilities and line facilities.

The Board is not persuaded that it is either necessary or desirable to provide for an exception to the 100 MW criterion pertaining to the size of a renewable resource cluster in cases where an enabler project is identified by the OPA. In the Board's view, it remains appropriate in that context that the minimum cluster size criterion not be subject to exceptions, other than the exception already provided for in section 3A.2 of the TSC,

to ensure that uneconomically small clusters are not developed at the expense of larger ones. The Board also notes that the enabler screening criteria do not apply as mandatory elements where an enabler facility is identified through the transmission system plan or Integrated Power System Plan (“IPSP”) approval process. While, as indicated in the September Notice, it is expected that a Board panel tasked with the review of the IPSP or of a transmission system plan would apply the enabler screening criteria, these approval processes would provide the OPA or other interested parties with an opportunity to request enabler facility treatment for a connection facility associated with a renewable resource cluster that has a capacity of less than 100 MW.

One stakeholder proposed that the Board provide greater clarity in relation to what constitutes a generation facility’s nameplate capacity for the purposes of apportioning the cost of an enabler facility amongst the connecting generators under section 6.3.14A of the TSC. The Board agrees with the tenor of that stakeholder’s suggestion that any ambiguity would be eliminated by better aligning the determination of the generation facility’s capacity under the TSC with the capacity that will be used by the OPA for purposes of the FIT program. The Board has therefore revised section 6.3.14A of the TSC to clarify that the apportionment will be based on the “manufacturer’s total installed rated capacity”, which reflects the concept of “gross nameplate capacity” used for purposes of the FIT program.

In the September Proposed Amendments, the Board proposed that a connection facility can maintain its qualification as an enabler facility notwithstanding that either or both of the enabler screening criteria are no longer met, if the deviation or discrepancy is not material and the Board determines at the leave to construct stage that enabler treatment is nonetheless warranted (section 3A.2). No stakeholder objected specifically to this proposal. In the September Notice, the Board acknowledged that leave to construct is not required for all transmission projects, and noted that in such cases the Board will obtain confirmation from the transmitter of continued eligibility and will address any concerns about continued eligibility through an appropriate process at that time. The Board believes that, for greater clarity, it is appropriate to confirm that this is the case and has revised section 3A.2 of the TSC accordingly.

B. Other Issues

Stakeholders that commented on the September Proposed Amendments regarding the use of line length as a cost allocator and regarding line losses for enabler facilities were supportive of the Board’s proposals.

The OPA expressed concerns regarding the cost responsibility treatment of transformer stations under the September Proposed Amendments and the cost responsibility treatment of transformer stations under proposed amendments to the Distribution System Code (the “DSC”) that are the subject of a separate Board initiative (EB-2009-0077). Specifically, the OPA noted that, where a generator requires a transformer station to connect its facility, the generator may opt to connect to a distribution system by reason of the cost responsibility treatment that is proposed for expansions and “renewable enabling improvements” under the DSC. As such, the OPA commented that

the decision on whether a transmitter or a distributor should build a new transformer to enable the connection of generation may be influenced by the generator's particular economic considerations rather than broader system efficiency.

At the present time, all transformer stations owned by a distributor have been deemed by the Board to be distribution assets. As such, they form part of the distributor's main rate base, and they are therefore part of the distributor's main distribution system for purposes of the DSC. As a result, cost responsibility for such a transformer station would be determined in the same manner as proposed for all other modifications or additions to the main distribution system of a distributor to whose system the renewable generation facility is connecting. Were it to be the case that a transformer station owned by a distributor was not deemed to be a distribution asset (in other words, the transformer station is a transmission asset), then the station would not form part of the main distribution system of the distributor to whose system the renewable generator is connecting. In such a case, cost responsibility for the transformer station would be the same as for upstream costs; namely, the cost of the transformer station would be passed through to and borne by the generator.

The Board recognizes that its approach to cost responsibility under each of the TSC and the DSC may create incentives for a renewable generator to connect at the distribution level rather than the transmission level, and will be mindful of this implication when it considers future applications where the classification of a distributor-owned transformer station is involved. Moreover, the Board expects that transmitters will be mindful of the implications of renewable generation connections that are anticipated to occur to the systems of their embedded distributors, and will plan their own systems accordingly. Over time, this can be expected to mitigate the risk associated with the different cost responsibility regimes under the Board's two Codes. The Board also notes that the risk of inefficient outcomes will be mitigated in many cases by the fact that renewable generation projects are often location dependent, lacking the siting flexibility required for choosing between a transmission connection and a distribution connection, and by the fact that most transformer stations are owned by transmitters. The Board therefore does not believe that it is necessary to take further steps in relation to the concerns identified by the OPA at this time.

A transmitter proposed that the phrase "may not" in section 6.3.10A of the TSC be replaced with the phrase "shall not", to more clearly emphasize the prohibition on the collection of a security deposit in relation to the construction of an enabler facility. The Board notes that the TSC uses the terms "may not" and "shall not" interchangeably to connote a prohibition. While the Board therefore believes that the non-permissive nature of section 6.3.10A is clear from the current text, the Board does not consider the suggested change to be problematic and the Board has amended section 6.3.10A accordingly.

IV. Anticipated Costs and Benefits

The anticipated costs and benefits of the amendments as proposed in the October Notice, the April Notice, and the September Notice were set out in each of those

Notices, and interested parties should refer to those Notices for further information in that regard. The Board believes that the revisions to the September Proposed Amendments that it has adopted will provide greater clarity, and that the Final Amendments will facilitate the timely and economically efficient connection of renewable resources clusters to transmission systems while minimizing the risk to ratepayers.

V. Coming Into Force

As set out in the amendment to section 13 of the TSC, the Final Amendments to the TSC as set out in Attachment A to this Notice come into force today, being the date on which they are published on the Board's website after having been made by the Board.

This Notice, including the Final Amendments to the TSC set out in Attachment A, will be available for public inspection on the Board's website at www.oeb.gov.on.ca and at the office of the Board during normal business hours.

Any questions regarding the Final Amendments to the TSC set out in Attachment A should be directed to the Market Operations Hotline at 416-440-7604 or market.operations@oeb.gov.on.ca. The Board's toll free number is 1-888-632-6273.

DATED at Toronto, October 20, 2009.

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary

Attachments: Attachment A: Final Amendments to the Transmission System Code as Adopted by the Board

Attachment B: Comparison Version Showing the Final Amendments to the Transmission System Code relative to the Transmission System Code Prior to Adoption of the Final Amendments (for information purposes only)

Attachment A

Final Amendments to the Transmission System Code

Note: The text of the amendments is set out in italics below, for ease of identification only. The revisions to the September Proposed Amendments adopted by the Board as part of the Final Amendments are stricken through or underlined (as the case may be) below, also for ease of identification only.

1. Section 2.0.13 of the Transmission System Code is amended by adding the following to the end of that section immediately before the semi-colon:

, and includes an enabler facility

2. Section 2 of the Transmission System Code is amended by adding the following immediately after section 2.0.28:

2.0.28A *“enabler facility” means a line connection facility or a transformation connection facility that is or will be constructed, owned and operated by a transmitter and to which two or more generation facilities that are included in a renewable resource cluster are connected or intend to connect to convey energy into a transmitter’s transmission system, where any of the following apply: (a) the connection facility is identified as an “enabler facility” and the associated renewable resource cluster is identified as such in an integrated power system plan that has been approved under Part II.2 of the Electricity Act or in a Board-approved plan filed with the Board by a transmitter pursuant to the deemed condition of the transmitter’s licence referred to in paragraph 2 of subsection 70(2.1) of the Act; (b) the associated renewable resource cluster is the subject of a direction issued by the Minister to the Ontario Power Authority under section 25.32 of the Electricity Act on or after October 20, 2009 and the Board, on the advice of the Ontario Power Authority, has determined that a connection facility is required; or (c) the OPA has provided the Board with written advice identifying the associated renewable resource cluster as one for which an enabler facility would be desirable, and the Board has determined that a connection facility is required and that the connection facility satisfies the screening criteria set out in section 3A.*

3. Section 2.0.14 of the Transmission System Code is amended by adding the following to the end of that section immediately before the semi-colon:

and, in the case of an enabler facility, means each point of connection between the enabler facility and any customer facility connected to the enabler facility

4. Section 2.0.57 of the Transmission System Code is deleted and replaced with the following:

2.0.57 “renewable generation” means a generation facility that generates electricity using a renewable energy source as defined in the Electricity Act;

5. Section 2 of the Transmission System Code is amended by adding the following immediately after section 2.0.57:

2.0.57A “renewable resource cluster” means a geographic area where resources suitable for renewable generation are present and where the renewable generation facilities are not, or are not expected to be, owned or controlled by the same person and that is identified as such in: (a) an integrated power system plan approved under Part II.2 of the Electricity Act or a Board-approved plan filed with the Board by a transmitter pursuant to the deemed condition of the transmitter’s licence referred to in paragraph 2 of subsection 70(2.1) of the Act; (b) a direction issued by the Minister to the Ontario Power Authority under section 25.32 of the Electricity Act; or (c) written advice from the OPA to the Board;

6. Section 3 of the Transmission System Code is amended by adding the following immediately after section 3.0.13:

3A. SCREENING CRITERIA FOR ENABLER FACILITIES

3A.1 The following are the screening criteria that must be satisfied by a connection facility in order to qualify as an enabler facility where clause (c) of the definition of “enabler facility” applies:

- (a) the capacity of the associated renewable resource cluster is at least 100 MW; and*
- (b) if the proposed enabler facility is a line connection facility, either:
 - i. the proposed line connection facility is at least 10 km in length; or*
 - ii. the OPA has satisfied the Board that the line connection facility should qualify as an enabler facility because such treatment would be superior, for technical or cost effectiveness reasons, to the generation facilities in the**

associated renewable resource cluster connecting directly to the transmitter's existing transmission facilities individually or on a coordinated basis.

3A.2 Nothing in section 3A.1 shall prevent the Board from determining, in a proceeding to consider an application made under section 92 of the Act or a process commenced to address the issue of the continued qualification of a connection facility as an enabler facility, that a connection facility should maintain its qualification as an enabler facility notwithstanding that the enabler facility no longer satisfies the screening criteria set out in section 3A.1, if the Board is satisfied that the deficiency is not material in the circumstances.

7. Section 6.2.24 of the Transmission System Code is amended by adding the following immediately after the phrase “for the construction of a connection facility,” in the first sentence:

other than an enabler facility,

8. Section 6.3.3 of the Transmission System Code is amended by deleting the phrase “a generator customer’s needs,” in the first sentence and replacing it with the following:

the needs of one or more generation customers or is required to construct an enabler facility,

9. Section 6.3.4 of the Transmission System Code is deleted and replaced with the following:

Where a transmitter has to modify a transmitter-owned connection facility to meet the needs of one or more generator customers or is required to construct an enabler facility, the transmitter shall require the applicable generator customer or customers to make a capital contribution to cover the cost of the modified connection facility or of the enabler facility, calculated in accordance with the economic evaluation methodology set out in section 6.5.

10. Section 6.3.8 of the Transmission System Code is deleted and replaced with the following:

A transmitter shall not require a customer to make a capital contribution for capacity added by the transmitter to a transmitter-owned connection facility in anticipation of future load growth not attributable to that customer or in anticipation of the future capacity requirements of other generator customers. For this purpose, where the transmitter-owned connection facility is an enabler facility, the capacity requirements of the renewable generation facilities expected to connect to the enabler facility shall not be considered as future capacity requirements.

11. Section 6.3.9 of the Transmission System Code is amended by deleting the words “as described in section 6.3.14, 6.3.15 or 6.3.16” at the end of the second sentence and replacing it with the following:

as described in section 6.3.14, 6.3.14A, 6.3.15 or 6.3.16

12. Section 6.3 the Transmission System Code is amended by adding the following immediately after section 6.3.10:

6.3.10A *Despite section 6.3.10, a transmitter shall not require a security deposit in relation to the construction of an enabler facility.*

13. Section 6.3 of the Transmission System Code is amended by adding the following immediately after section 6.3.14:

6.3.14A *Where a transmitter is required to construct an enabler facility, the transmitter shall attribute the cost of the enabler facility, depreciated to the time of connection, to generator customers connecting to the enabler facility from time to time in proportion to the nameplate manufacturer’s total installed rated capacity of their respective generation facilities at the time of connection expressed as a percentage of the total capacity of the enabler facility. For this purpose, the total capacity of the enabler facility shall be determined on the basis of its capacity at the time at which the enabler facility comes into service.*

14. Section 6.3 of the Transmission System Code is amended by adding the following immediately after section 6.3.16:

6.3.16A *Despite section 6.3.16:*

(a) *a transmitter shall not attribute the cost of an enabler facility to a load customer that connects to the enabler facility unless section 6.3.2 applies; and*

(b) *a transmitter shall attribute the cost of an enabler facility to generator customers in accordance with section 6.3.14A.*

15. Section 6.3.17 of the Transmission System Code is amended by adding the following immediately after the phrase “for the construction of a connection facility,” in the first sentence:

other than an enabler facility,

16. Section 6.5 of the Transmission System Code is amended by adding the following immediately after section 6.5.1:

6.5.1A *Where a transmitter constructs an enabler facility, the cost to be attributed to generator customers under section 6.3.14A shall be the fully allocated cost of the enabler facility. The transmitter shall include the capital cost of equipment installed on transmitter-owned connection facilities by the transmitter for monitoring the performance of the generation facilities and for verification testing of fault protection equipment associated with the generation facilities. If any generator customer elects to have verification testing costs included in the economic evaluation rather than paying such costs on an “as incurred” basis over time, the transmitter shall also include the present value of the estimated cost of doing periodic verification testing of its monitoring and testing equipment and, if necessary, of similar equipment owned by the generator customer. The transmitter shall include the present value of the operation and maintenance costs associated with an enabler facility.*

17. Section 13 of the Transmission System Code is amended by adding the following immediately after section 13.0.1:

13.0.2 *Except where expressly provided otherwise, any amendments to this Code shall come into force on the date on which the Board publishes the amendments by placing them on the Board’s website after they have been made by the Board.*

Attachment B

Comparison Version of the Final Amendments to the Transmission System Code Relative to the Transmission System Code Prior to Adoption of the Final Amendments

(for information purposes only)

Note: Only those sections of the Transmission System Code that have been amended or that are new are shown below. Additions are shown in italics and deletions are stricken out, for ease of identification.

2.0.13 "connection facilities" means line connection facilities and transformation connection facilities that connect a transmitter's transmission system with the facilities of another person, *and includes an enabler facility*;

[Note: Section 2.0.28A inserted after section 2.0.28]:

2.0.28A *"enabler facility" means a line connection facility or a transformation connection facility that is or will be constructed, owned and operated by a transmitter and to which two or more generation facilities that are included in a renewable resource cluster are connected or intend to connect to convey energy into a transmitter's transmission system, where any of the following apply: (a) the connection facility is identified as an "enabler facility" and the associated renewable resource cluster is identified as such in an integrated power system plan that has been approved under Part II.2 of the Electricity Act or in a Board-approved plan filed with the Board by a transmitter pursuant to the deemed condition of the transmitter's licence referred to in paragraph 2 of subsection 70(2.1) of the Act; (b) the associated renewable resource cluster is the subject of a direction issued by the Minister to the Ontario Power Authority under section 25.32 of the Electricity Act on or after October 20, 2009 and the Board, on the advice of the Ontario Power Authority, has determined that a connection facility is required; or (c) the OPA has provided the Board with written advice identifying the associated renewable resource cluster as one for which an enabler facility would be desirable, and the Board has determined that a connection facility is required and that the connection facility satisfies the screening criteria set out in section 3A.*

2.0.14 "connection point" means a point of connection between a transmitter's transmission facilities and a customer's facilities *and, in the case of an enabler facility, means each point of connection between the enabler facility and any customer facility connected to the enabler facility*;

2.0.57 ~~"renewable generation" means generation facilities that generate electricity using one or more of the following sources: wind, sun, biomass, bio-oil, biogas, landfill gas or water;~~ *"renewable generation" means a generation facility that generates electricity using a renewable energy source as defined in the Electricity Act;*

[Note: Section 2.0.57A inserted after section 2.0.57]:

2.0.57A *"renewable resource cluster" means a geographic area where resources suitable for renewable generation are present and where the renewable generation facilities are not, or are not expected to be, owned or controlled by the same person and that is identified as such in: (a) an integrated power system plan approved under Part II.2 of the Electricity Act or a Board-approved plan filed with the Board by a transmitter pursuant to the deemed condition of the transmitter's licence referred to in paragraph 2 of subsection 70(2.1) of the Act; (b) a direction issued by the Minister to the Ontario Power Authority under section 25.32 of the Electricity Act; or (c) written advice from the OPA to the Board;*

[Note: Section 3A inserted after section 3.0.13]:

3A. SCREENING CRITERIA FOR ENABLER FACILITIES

- 3A.1 *The following are the screening criteria that must be satisfied by a connection facility in order to qualify as an enabler facility where clause (c) of the definition of "enabler facility" applies:*
- (a) *the capacity of the associated renewable resource cluster is at least 100 MW; and*
 - (b) *if the proposed enabler facility is a line connection facility, either:*
 - iii. *the proposed line connection facility is at least 10 km in length; or*
 - iv. *the OPA has satisfied the Board that the line connection facility should qualify as an enabler facility because such treatment would be superior, for technical or cost effectiveness reasons, to the generation facilities in the associated renewable resource cluster connecting directly to the transmitter's existing transmission facilities individually or on a coordinated basis.*

3A.2 *Nothing in section 3A.1 shall prevent the Board from determining, in a proceeding to consider an application made under section 92 of the Act or a process commenced to address the issue of the continued qualification of a connection facility as an enabler facility, that a connection facility should maintain its qualification as an enabler facility notwithstanding that the enabler facility no longer satisfies the screening criteria set out in section 3A.1, if the Board is satisfied that the deficiency is not material in the circumstances.*

6.2.24 Where a customer has made a capital contribution for the construction of a connection facility *other than an enabler facility*, and where that capital contribution includes the cost of capacity on the connection facility not needed by the customer, the transmitter shall provide a refund, calculated in accordance with section 6.2.25, to the customer if that capacity is assigned to another load customer within five years of the date on which the connection facility comes into service. Where such a refund is required under section 6.2.25, the transmitter shall require a financial contribution, calculated in accordance with section 6.2.25, from the subsequent customer.

6.3.3 Except where a transmitter has to modify a transmitter-owned connection facility to meet ~~a generator customer's needs~~, *the needs of one or more generation customers or is required to construct an enabler facility*, the transmitter shall require a generator customer to provide its own dedicated connection facilities and any equipment for monitoring and testing that is required by the transmitter to be installed on the customer side of the connection with the transmitter's transmission system.

6.3.4 ~~Where a transmitter has to modify a transmitter-owned connection facility to meet a generator customer's needs, the transmitter shall require the generator customer to make a capital contribution to cover the cost of the modification, calculated in accordance with the economic evaluation methodology set out in section 6.5.~~

Where a transmitter has to modify a transmitter-owned connection facility to meet the needs of one or more generator customers or is required to construct an enabler facility, the transmitter shall require the applicable generator customer or customers to make a capital contribution to cover the cost of the modified connection facility or of the enabler facility, calculated in accordance with the economic evaluation methodology set out in section 6.5.

6.3.8 ~~A transmitter shall not require a customer to make a capital contribution for capacity added to a connection facility in anticipation of future load growth not attributable to that customer.~~

A transmitter shall not require a customer to make a capital contribution for capacity added by the transmitter to a transmitter-owned connection facility in anticipation of future load growth not attributable to that customer or in anticipation of the future capacity requirements of other generator customers. For this purpose, where the transmitter-owned connection facility is an enabler facility, the capacity requirements of the renewable generation facilities expected to connect to the enabler facility shall not be considered as future capacity requirements.

- 6.3.9 Where a transmitter is, at the time at which it is constructing a connection facility for a customer, aware of another future customer that will need capacity within five years of the construction of the connection facility, the transmitter shall add that capacity to the connection facility at the time of construction, provided that it obtains a security deposit in a form referred to in section 6.3.11 from that future customer to cover the cost of that additional capacity. The amount of the capital contribution to be obtained from the current customer and the amount or value of the security deposit to be collected from the future customer shall be determined using the economic evaluation methodology set out in section 6.5, the load forecasts of both customers and the methodology for attributing that capital contribution ~~as described in section 6.3.14, 6.3.15 or 6.3.16.~~ *as described in section 6.3.14, 6.3.14A, 6.3.15 or 6.3.16.* At the time of connection of the future customer's facilities, the transmitter shall where required redo the original economic evaluation using the same inputs except for any revised load forecast provided by the future customer. This will determine the amount of capital contribution to be collected from the future customer. Where the security deposit is in the form of cash, the transmitter shall return the security deposit to the future customer at the time of connection of its facilities to the connection facility, together with interest at the rate referred to in section 6.3.11, less the amount of the future customer's capital contribution. Where the security deposit is in a form other than cash, the transmitter shall return the security deposit to the future customer upon receipt of the customer's capital contribution.

[Note: Section 6.3.10A inserted after section 6.3.10]:

- 6.3.10A *Despite section 6.3.10, a transmitter shall not require a security deposit in relation to the construction of an enabler facility.*

[Note: Section 6.3.14A inserted after section 6.3.14]:

- 6.3.14A *Where a transmitter is required to construct an enabler facility, the transmitter shall attribute the cost of the enabler facility, depreciated to the time of connection, to generator customers connecting to the enabler facility from time to time in proportion to the manufacturer's total installed*

rated capacity of their respective generation facilities at the time of connection expressed as a percentage of the total capacity of the enabler facility. For this purpose, the total capacity of the enabler facility shall be determined on the basis of its capacity at the time at which the enabler facility comes into service.

[Note: Section 6.3.16A inserted after section 6.3.16]:

6.3.16A *Despite section 6.3.16:*

- (a) a transmitter shall not attribute the cost of an enabler facility to a load customer that connects to the enabler facility unless section 6.3.2 applies; and*
- (b) a transmitter shall attribute the cost of an enabler facility to generator customers in accordance with section 6.3.14A.*

6.3.17 Where a customer has made a capital contribution for the construction of a connection facility *other than an enabler facility*, and where that capital contribution includes the cost of capacity on the connection facility in excess of the customer's needs in order to comply with facilities standards or good utility practice, the transmitter shall provide a refund, calculated in accordance with section 6.2.25, to the customer if that available capacity is assigned to another customer within five years of the date on which the connection facility comes into service. The transmitter shall require a financial contribution from the subsequent customer to cover the amount of that refund.

[Note: Section 6.5.1A inserted after section 6.5.1]:

6.5.1A *Where a transmitter constructs an enabler facility, the cost to be attributed to generator customers under section 6.3.14A shall be the fully allocated cost of the enabler facility. The transmitter shall include the capital cost of equipment installed on transmitter-owned connection facilities by the transmitter for monitoring the performance of the generation facilities and for verification testing of fault protection equipment associated with the generation facilities. If any generator customer elects to have verification testing costs included in the economic evaluation rather than paying such costs on an "as incurred" basis over time, the transmitter shall also include the present value of the estimated cost of doing periodic verification testing of its monitoring and testing equipment and, if necessary, of similar equipment owned by the generator customer. The transmitter shall include the present value of the operation and maintenance costs associated with an enabler facility.*

[Note: Section 13.0.2 inserted after section 13.0.1]:

13.0.2 Except where expressly provided otherwise, any amendments to this Code shall come into force on the date on which the Board publishes the amendments by placing them on the Board's website after they have been made by the Board.