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## BY E-MAIL AND WEB POSTING

December 18, 2009

**To:** All Electricity Distributors  
All Other Interested Parties

**Re: Draft Filing Requirements: Distribution System Plans under the Green Energy Act**  
**Board File No.: EB-2009-0397**

The Ontario Energy Board (the "Board") has today posted for comment draft "Filing Requirements: Distribution System Plans under the Green Energy Act". The draft Filing Requirements relate to plans to be filed by electricity distributors pursuant to the deemed conditions of licence in section 70(2.1) of the *Ontario Energy Board Act, 1998*, as added by the *Green Energy and Green Economy Act, 2009*.

The Filing Requirements are based on the policy direction set out in the Board's June 16, 2009 Guidelines entitled: Deemed Conditions of Licence: Distribution System Planning, and will when finalized supersede those Guidelines.

All interested stakeholders are invited to provide written comments on the draft Filing Requirements. Written comments received will be considered by the Board in finalizing the Filing Requirements. The Filing Requirements are intended to become part of the general Filing Requirements for Transmission and Distribution Applications.

Written comments on the draft Filing Guidelines must be filed with the Board by **February 2, 2010** in accordance with the filing instructions set out below.

### **Cost Awards**

Cost awards will be available to eligible persons under section 30 of the *Ontario Energy Board Act, 1998* in relation to their participation in this consultation. The costs awarded will be recovered from all rate-regulated licensed electricity distributors based on their

respective distribution revenues. **Attachment A contains important information regarding cost awards for this consultation, including in relation to eligibility requests and objections.** In order to facilitate a timely decision on cost eligibility, the deadlines for filing cost eligibility requests and objections will be strictly enforced.

Cost awards will be available to eligible participants as follows:

Activity Eligible for Cost Awards	Total Eligible Hours per Eligible Participant
Written comments on the draft Filing Requirements.	Up to 16 hours

**Instructions on Filing Material with the Board**

All filings in relation to this consultation must quote file number **EB-2009-0397** and include your name, address, telephone number and, where available, an e-mail address and fax number.

Three paper copies and one electronic copy of each filing must be provided. Paper copies are to be addressed to the Board Secretary at the Board’s mailing address set out above. The electronic copy must be in searchable/unrestricted PDF format, be submitted through the Board’s web portal at [www.errr.oeb.gov.on.ca](http://www.errr.oeb.gov.on.ca) and conform to the document naming conventions and document submission standards outlined in the RESS e-Filing Guides (available on the Board’s website at [www.oeb.gov.on.ca](http://www.oeb.gov.on.ca) on the e-Filing Services web page). A user ID is required for filings through the web portal. If you do not have a user ID, please visit the Board’s web site on the e-Filings Services web page and fill out a user ID password request. If the web portal is not available, the electronic copy may be submitted by e-mail to [BoardSec@oeb.gov.on.ca](mailto:BoardSec@oeb.gov.on.ca). Participants that do not have internet access may file their electronic copy on diskette or CD.

Filings must be received by **4:45 pm** on the required date.

All materials related to this consultation, including the draft Filing Guidelines, will be available on the Green Energy Initiatives page of the Board’s website at [www.oeb.gov.on.ca](http://www.oeb.gov.on.ca). The material will also be available for public inspection at the office of the Board during normal business hours.

If you have any questions regarding the draft Filing Requirements, please contact Jennifer Lea at 416-440-7631, or by e-mail at [jennifer.lea@oeb.gov.on.ca](mailto:jennifer.lea@oeb.gov.on.ca). The Board’s toll-free number is 1-888-632-6273.

Yours truly,

*Original signed by*

Kirsten Walli  
Board Secretary

## Attachment A

### Cost Award Information

#### ***Cost Award Eligibility***

The Board will determine eligibility for costs in accordance with its *Practice Direction on Cost Awards*. Any person requesting cost eligibility must file with the Board a written submission to that effect by **January 6, 2010**, identifying the nature of the person's interest in this process and the grounds on which the person believes that it is eligible for an award of costs (including addressing the Board's cost eligibility criteria as set out in section 3 of the Board's *Practice Direction on Cost Awards*). An explanation of any other funding to which the person has access must also be provided, as should the name and credentials of any lawyer, analyst or consultant that the person intends to retain, if known. All requests for cost award eligibility will be posted on the Board's website.

Rate-regulated licensed electricity distributors will be provided with an opportunity to object to any of the requests for cost award eligibility. If an electricity distributor has any objections to any of the requests for cost eligibility, such objections must be filed with the Board Secretary by **4:45 pm on January 18, 2010**. All objections will be posted on the Board's website. The Board will then make a final determination on the cost eligibility of the requesting parties.

#### ***Cost Awards***

When determining the amount of the cost awards, the Board will apply the principles set out in section 5 of its *Practice Direction on Cost Awards*. The maximum hourly rates set out in the Board's Cost Awards Tariff will also be applied.

Groups representing the same interests or class of persons are expected to make every effort to communicate and co-ordinate their participation in this process.

The Board will use the process set out in section 12 of its *Practice Direction on Cost Awards* to implement the payment of the cost awards. Therefore, the Board will act as a clearing house for all payments of cost awards in this process.

For more information on the cost awards process, please see the Board's *Practice Direction on Cost Awards* and the October 27, 2005 letter regarding the rationale for the Board acting as a clearing house for the cost award payments. These documents can be found on the Board's website at

[http://www.oeb.gov.on.ca/html/en/industryrelations/rulesguidesandforms\\_regulatory.htm#general](http://www.oeb.gov.on.ca/html/en/industryrelations/rulesguidesandforms_regulatory.htm#general).