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NOTICE OF PROPOSAL TO AMEND A CODE
PROPOSED AMENDMENTS TO THE TRANSMISSION SYSTEM CODE
BOARD FILE NO.: EB-2010-0058

**To: All Licensed Electricity Transmitters
All Licensed Electricity Distributors
All Licensed Generators
All Licensed Wholesalers
All Other Interested Parties**

Date: April 15, 2010

The Ontario Energy Board (the "Board") is giving notice under section 70.2 of the *Ontario Energy Board Act, 1998* of proposed amendments to the Transmission System Code (the "TSC"). The purpose of the proposed amendments is to better align the definition of "Supporting Guarantee" with the definition of the same term as used in other documentation pertaining to worker safety when work is effected on or near electrical transmission systems.

The Board will not be granting cost awards in this matter.

I. Background

On February 26, 2010, Hydro One Networks Inc. ("Hydro One") wrote to the Board to identify concerns regarding the adequacy of the definition of the term "Supporting Guarantee" as it appears in the standard form Connection Agreements that form part of the TSC. Hydro One has noted that the definition is not in keeping with the definition of the same term as used in the utility work protection code ("UWPC"), which is itself

referred to in the Electrical Utility Safety Rules that apply to electrical work performed on or near electrical transmission or distribution systems in accordance with O. Reg. 213/91 (Electrical Hazards) made under the *Occupational Health and Safety Act*. More specifically, Hydro One has noted that while the definition in the TSC requires that there be operating instructions, the UWPC definition requires that the relevant party provide a written guarantee of a particular state or condition. In Hydro One's view, adoption of the UWPC definition would ensure a safer work environment. A copy of Hydro One's letter is attached to this Notice as Attachment A.

II. Summary of Proposed Amendments to the TSC

The Board agrees with Hydro One that the definition of "Supporting Guarantee" in the UWPC can provide a safer work environment for all concerned. The Board is therefore proposing to revise the definition of "Supporting Guarantee" in sections 1.1.20 of both Appendix 1A (Form of Connection Agreement for Load Customers) and Appendix 1B (Form of Connection Agreement for Generator Customers) of the TSC to align it with the definition of "Supporting Guarantee" in the UWPC. The text of the proposed amendments is set out in Attachment B to this Notice.

Under section 9.4 of the standard form Connection Agreements set out in Appendix 1A and Appendix 1B of the TSC, parties to a Connection Agreement are required to amend their Agreement in such manner as may be required by the Board. Given the importance of worker safety, and of the need to ensure that all parties have a clear and common understanding of their obligations in that regard, the Board believes that the preferred approach in this case is for all Connection Agreements to reflect the updated definition of "Supporting Guarantee", should that updated definition be adopted. Accordingly, if the Board adopts the proposed amendments to the TSC the Board will also direct that all existing Connection Agreements be amended accordingly.

III. Anticipated Costs and Benefits of the Proposed Amendments

The Board anticipates that the proposed amendments set out in Attachment B will help to ensure a safer work environment and provide greater protection of power system equipment, utility and utility customer staff and the public.

The Board does not believe that implementation of the proposed amendments will result in material incremental costs being borne by transmitters or their customers.

IV. Coming Into Force

The Board proposes that the amendments to the TSC described above and set out in Attachment B to this Notice come into force on the date that the final amendments are published on the Board's website after having been made by the Board.

V. Invitation to Comment

All interested parties are invited to comment in writing on the Board's proposed amendments to the TSC set out in Attachment B by **May 6, 2010**.

Two (2) paper copies of each filing must be provided, and should be sent to:

Kirsten Walli
Board Secretary
Ontario Energy Board
P.O. Box 2319
2300 Yonge Street, Suite 2700
Toronto, Ontario M4P 1E4

The Board requests that interested parties make every effort to provide electronic copies of their filings in searchable/unrestricted Adobe Acrobat (PDF) format, and to submit their filings through the Board's web portal at www.errr.oeb.gov.on.ca. A user ID is required to submit documents through the Board's web portal. If you do not have a user ID, please visit the "e-filings services" webpage on the Board's website at www.oeb.gov.on.ca, and fill out a user ID password request. Additionally, interested parties are requested to follow the document naming conventions and document submission standards outlined in the document entitled "RESS Document Preparation – A Quick Guide" also found on the e-filing services webpage. If the Board's web portal is not available, electronic copies of filings may be filed by e-mail at boardsec@oeb.gov.on.ca.

Those that do not have internet access should provide a CD or diskette containing their filing in PDF format.

Filings to the Board must be received by the Board Secretary by **4:45 p.m.** on the required date. They must quote file number **EB-2010-0058** and include your name, address, telephone number and, where available, your e-mail address and fax number.

This Notice, including the proposed amendments to the TSC set out in Attachment B, and all written comments received by the Board in response to this Notice, 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.

If you have any questions regarding this Notice, including the proposed amendments set out in Attachment B, please contact Gordon Ryckman at 416-440-8109 or by e-mail at Gordon.Ryckman@oeb.gov.on.ca. The Board's toll free number is 1-888-632-6273.

DATED at Toronto, April 15, 2010.

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary

Attachments:

- Attachment A: Letter from Hydro One Networks Inc. dated February 26, 2010
- Attachment B: Proposed Amendments to the Transmission System Code

Attachment A

Letter from Hydro One Networks Inc. dated February 26, 2010

(see attached document)

Attachment B

Proposed Amendments to the Transmission System Code

Note: The text of the proposed amendments is set out in italics below, for ease of identification only.

1. The definition of “Supporting Guarantee” in section 1.1.20 of Appendix 1A (Form of Connection Agreement for Load Customers) of the Transmission System Code is deleted and replaced with the following:

“Supporting Guarantee” has the meaning given to it in the “Glossary of Terms” of the “utility work protection code” referred to in the document entitled “Electrical Utility Safety Rules”, published by the Electrical and Utilities Safety Association of Ontario Incorporated and revised January, 2009, as may be amended from time to time;

2. The definition of “Supporting Guarantee” in section 1.1.20 of Appendix 1B (Form of Connection Agreement for Generator Customers) of the Transmission System Code is deleted and replaced with the following:

“Supporting Guarantee” has the meaning given to it in the “Glossary of Terms” of the “utility work protection code” referred to in the document entitled “Electrical Utility Safety Rules”, published by the Electrical and Utilities Safety Association of Ontario Incorporated and revised January, 2009, as may be amended from time to time;