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**NOTICE OF AMENDMENT TO A CODE**  
**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: June 10, 2010**

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

The Board is also today directing all licensed electricity transmitters to promptly take appropriate steps to amend all existing connection agreements to reflect the amendments to the TSC, as indicated in section III below.

**I. Background**

On April 15, 2010, the Board issued a Notice of Proposal to Amend a Code (the "April Notice") in which it proposed 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 (the "Proposed Amendments"). Under the Proposed Amendments, the definition of "Supporting Guarantee" in the standard form connection

agreements would be revised to align it with the definition of the same term in the utility work protection code (“UWPC”).

The Board received written comments on the Proposed Amendments from Hydro One Networks Inc. (“Hydro One”), Ontario Power Generation Inc. (“OPG”) and the Power Workers’ Union (“PWU”). These comments are available for viewing on the Board’s website at [www.oeb.gov.on.ca](http://www.oeb.gov.on.ca) on the “Policy Initiatives & Consultations” portion of the “Regulatory Proceedings” section of the website.

## **II. Overview of Stakeholder Comments and Adoption of Amendments**

PWU supported the adoption of the Proposed Amendments, and encouraged the Board to give implementation of the Proposed Amendments the highest of priority.

As indicated in the April Notice, concerns regarding the differences in the definition of the term “Supporting Guarantee” as between the TSC and the UWPC were identified in a letter filed with the Board by Hydro One on February 26, 2010. In its comments on the Proposed Amendments, Hydro One clarified that the UWPC definition does not in fact require a written guarantee of a particular state or condition, but rather that confirmation in some form be provided.

OPG did not support the Proposed Amendments. In its comments, OPG also noted that the UWPC does not require a written guarantee. OPG recommended that the UWPC definition not be adopted for that reason, and also for the reason that the definition suffers from lack of clarity because it references a number of internal Hydro One documents. OPG also expressed concern about the fact that the Proposed Amendments refer to the UWPC definition as amended from time to time by the Electrical and Utilities Safety Association of Ontario Incorporated. Specifically, OPG noted that the Proposed Amendments would place the responsibility for this definition with a forum over which the Board has no jurisdiction and where transmission customers have very little influence. OPG also encouraged the Board to facilitate the establishment of a working group of interested parties to address additional safety improvements to the Code.

The Board notes that the UWPC is a well-recognized safety standard in the industry, and 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*. The Board also notes that the UWPC definition provides greater protection than the TSC definition, inasmuch as it requires confirmation of an isolated or de-energized and isolated condition. The Board is not aware of any widespread industry concerns regarding the adequacy of the UWPC definition from a safety perspective. Absent such concerns, the Board believes that the most appropriate approach is one that enhances safety yet achieves consistency, thereby avoiding confusion and inconsistent practice.

The Board is similarly not aware of any widespread industry concerns with the safety-related provisions of the TSC. The Board is therefore not persuaded that the establishment of a working group to address safety-related issues in the TSC is warranted at this time.

In light of the above, the Board has determined that no material changes to the Proposed Amendments are required. However, in response to a comment made by OPG, the Board has modified the Proposed Amendments to reflect the recent change in name of the Electrical and Utilities Safety Association of Ontario Incorporated.

The amendments to the TSC as adopted by the Board are set out in Attachment A to this Notice.

### **III. Direction to Amend Existing Connection Agreements**

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 directs all licensed transmitters to promptly take appropriate steps to amend all existing connection agreements to reflect the amendments to the TSC set out in Attachment A. The Board expects that transmitters will complete this process no later than July 30, 2010.

### **IV. Anticipated Costs and Benefits of the Amendments**

As stated in the April Notice, the Board anticipates that the amendments to the TSC will help to ensure a safer work environment and provide greater protection of power system equipment, utility and utility customer staff and the public.

As also stated in the April Notice, the Board does not believe that implementation of the amendments to the TSC will result in material incremental costs being borne by transmitters or their customers.

**V. Coming Into Force**

As stated in the April Notice, the amendments to the TSC described above and set out in Attachment A to this Notice come into force on today's date, being the date on which they are published on the Board's website after having been made by the Board.

If you have any questions regarding this Notice, including the amendments to the TSC set out in Attachment A, please contact the market operations hotline 416-440-7604 or by e-mail at [Market.Operations@oeb.gov.on.ca](mailto:Market.Operations@oeb.gov.on.ca). The Board's toll free number is 1-888-632-6273.

**DATED** at Toronto, June 10, 2010

**ONTARIO ENERGY BOARD**

*Original signed by*

Kirsten Walli  
Board Secretary

Attachment: Attachment A: Amendments to the Transmission System Code

## Attachment A

### Amendments to the Transmission System Code

**Note:** The text of the 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 (now the Infrastructure Health and Safety Association) 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 (now the Infrastructure Health and Safety Association) and revised January, 2009, as may be amended from time to time;*