

DELEGATED POWERS AND DUTIES – SECTION 71 EXEMPTIONS

The powers and duties of the OEB under section 71(4) of the Act to authorize, in special circumstances, a transmitter or distributor to carry on a business activity other than transmitting or distributing electricity except through an affiliate.

This delegation is subject to the following conditions and restrictions:

1. The employee shall not exercise the powers or duties specified above unless the employee is of the opinion that:
 - (a) the proposed business activity relates to an innovation or an innovative way of providing service;
 - (b) the proposed business activity will be undertaken on a temporary or pilot basis;
 - (c) the financial impact of the proposed business activity is likely to be immaterial or nearly so; and
 - (d) there is a low risk of harm to ratepayers from the proposed business activity;

and where the employee is of another opinion, the employee shall forthwith advise the Chief Commissioner, who may appoint a panel of Commissioners to deal with the matter.

2. The delegation includes any incidental powers and duties that a panel of Commissioners would have in exercising the power or duty if the power or duty were not delegated.
3. Where an application to the OEB requests a determination falling under a power or duty delegated to an employee and a determination under a power or duty that has not been delegated, the application will be dealt with in its entirety by a panel of Commissioners assigned by the Chief Commissioner.
4. Where a conflict exists between two or more delegations of the same power or duty, the most recent delegation prevails to the extent of the conflict.