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September 25, 2009

Kirsten Walli  
Board Secretary  
Ontario Energy Board  
P.O. Box 2319  
2300 Yonge Street  
27th floor  
Toronto, ON M4P 1E4

Dear Ms Walli,

**Notice of Revised Proposed Amendments to the Distribution System Code ("DSC")**  
**Board File No.: EB-2009-0077**  
**Our File: 339583-000048**

We are writing to provide the comments of Canadian Manufacturers & Exporters ("CME") on the Revised Proposed Amendments to the Distribution System Code ("DSC") which the Board circulated on September 11, 2009. CME's comments in this letter are restricted to the Proposed Revisions set out in Section III.A.

As CME has stated in previous submissions to the Board, it supports the intent of the *Green Energy and Green Economy Act, 2009* ("GEGEA"). That said, while the GEGEA offers the potential to improve the environment and create opportunities for manufacturers, CME remains very concerned about the cost implications of GEGEA initiatives for utility ratepayers. It is within this context that CME is concerned about the Board's proposed change to the definition of "connection assets".

In CME's view, the definition of "connection assets" should continue to include the phrase "is not, at the time of construction, reasonably expected to connect any other customer". The inclusion of this language appropriately reflects the Board's expectation that distributors will expand or build out their distribution system to reach connecting customers, and not the other way around. It also clarifies that distributors will not be permitted to classify as "connection assets" lines designed to reach from the existing distribution system to the customer's location.

In light of the fact that the Board has recognized these expectations in the Notice of Revised Proposal to Amend the DSC, CME urges the Board to refrain from removing the phrase "is not, at the time of construction, reasonably expected to connect any other customer" from the definition of "connection assets". In this regard, the clarity provided by this phrase is not adequately replaced by the Board's revised definition of "expansion" and "renewable enabling improvement". For this reason, CME urges the Board to

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maintain the definition of "connection assets" included in the original June 5, 2009 Proposal.

CME requests an award of its reasonably incurred costs in connection with the Revised Proposed Amendments to DSC.

Please contact me if there are any questions or concerns about this correspondence.

Yours very truly,

Vincent J. DeRose

VJD

c. Intervenors EB-2009-0077  
Paul Clipsham (CME)

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