

January 22, 2010

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

Via RESS and by courier

Dear Board Secretary:

Re: Proposed Amendments to the Distribution System Code and the Affiliate Relationship Code for Electricity Distributors and Transmitters - Board File No. EB-2009-0411

The Electricity Distributors Association (EDA) is the voice of Ontario's local distribution companies (LDCs). The EDA represents the interests of over 80 publicly and privately owned LDCs in Ontario.

The EDA has reviewed the proposed amendments to the Distribution System Code (DSC) and the Affiliate Relationship Code (ARC), and has consulted with its members on the proposed revisions.

The EDA generally supports the proposed ARC and DSC amendments and believes they address the issues regarding distributor and distribution affiliate ownership of qualifying renewable generation. With respect to the proposed revised wording of the codes, members had issue with only one section. Proposed Section 6.2A.5 of the DSC indicates that "*where the requirement applies after the connection of the distributor's generation facility, such certification shall be completed annually on or about the anniversary of the connection of the generation facility.*" Members noted that it would be inefficient, for both the distributor and the OEB, to require certification on the anniversary of each generation project. This reporting would likely result in the OEB receiving certifications on a weekly and possibly daily basis once LDCs begin to own a number of generation projects. Currently, LDCs are required to file certification by senior officers of the company by April 30th of each year. Therefore, the EDA recommends the deletion of the last phrase "...such certification shall be completed annually on or about the anniversary of the connection of the generation facility" and replace it with "...such certification shall be completed annually for each generation facility, no later than April 30th".

While reviewing the proposed generation connection requirement amendments to the DSC, members have identified an issue that they believe should be addressed at this time through a

revision to section 6.2.9 of the DSC. Section 6.2.9 of the DSC requires a distributor to provide a preliminary meeting with persons considering an application for a connection. Distributors have experienced situations where a project proponent has issued a proposal to a number of consultants to obtain the lowest connection offer for their project from the distributor. As a result of this method, and in compliance with the current wording of Section 6.2.9, the distributor has been required to hold several initial meetings with different consultants for the same project. Distributors believe this is not the intent of the rules and have requested a revision to section 6.2.9 to clarify that only one initial meeting, for the same project, is required of the Distributor.

Members noted that the emphasis of these amendments has been to facilitate activities in support of the Green Energy Act, in particular with respect to qualifying generation. Members also believe consideration should be given to additional code amendments concerning Equal Access to Services that support the development and provision of conservation and demand management services, and the development, construction, and/or operation of qualifying facilities, promoting the Green Energy Act.

Yours truly,

“original signed”

Maurice Tucci
Policy Director, Distribution & Regulation