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March 26, 2010

Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
2300 Yonge Street
Suite 2700
Toronto, Ontario, M4P 1E4

Dear Ms. Walli:

Re: EB-2009-0077 – Written Comments on the Notice of Revised Proposal to Amend a Code – Revised Proposed Amendments to the Distribution System Code from the London Property Management Association

This letter is in response to the Board's March 11, 2010 letter related to the Notice of Revised Proposal to Amend a Code – Revised Proposed Amendments to the Distribution System Code (EB-2009-0077). Two paper copies have been provided to the Board and an electronic version has been file through the Board's web portal at www.errr.oeb.gov.on.ca.

These are the written comments of the London Property Management Association (LPMA). Comments have been provided on the specific proposed revisions set out in Section II of the Board's letter related to the proposed rebate amendments to the DSC

In general, LPMA is supportive of the proposed amendments to the DSC for both of the two types of unforecasted customers.

a) Where Unforecasted Customer is also a New Renewable Generator

LPMA believes that the intent of the proposed amendments is appropriate. The approach proposed should eliminate any disincentive to be the first new renewable generator for

which an expansion is required and that would have benefited customers by simply delaying their connection.

LPMA does note that Section 3.2.27C is silent on whether or not any rebate should be with or without interest. Part (a) of Section 3.2.27 expressly states that any rebate should be without interest. For clarity, the Board may wish to add "without interest," in part (a) of Section 3.2.27B after the word rebate so as to read "...shall pay to the initial renewable generator a rebate without interest, in an amount determined...".

b) Where Unforecasted Customer is a Load or a Non-Renewable Generator

LPMA believes the proposed amendments are appropriate with respect to load and non-renewable generator unforecasted customers.

However, LPMA believes that further clarity is required. Section 3.2.27D indicates that the rebate will be calculated in accordance with Section 3.2.27. Section 3.2.27 refers to such factors as the relative load level and the relative line length in determining the apportioned benefit.

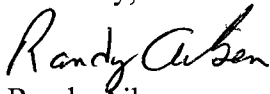
LPMA believes that the definition of "relative load level" needs to be clarified. The "load level" of the earlier renewable generator(s) and any non-renewable generator should be based on the name plate capacity of the facilities and not the load requirement of the facility, which may be only a fraction of the generation capacity. This would ensure that "load level" used in apportioning the benefits would be based on usage of the expansion facilities and put a load customer on an equal footing with the generator(s) in terms of use of the facilities.

With the added clarification noted above, LPMA believes that Section 3.2.27D (and the related Section 3.2.27E) are appropriate. However, there could be confusion related to the apportioning described in part (b) of Section 3.2.27. It is not clear to LPMA how the apportioned benefit calculated by considering such factors as the relative load level and the relative line length (in proportion to the line length being shared by both parties)

would be determined in relation to load customers and renewable generators that have a renewable energy expansion cost cap that is independent of line length.

It appears that the intent of Section 3.2.27D is similar to that of Section 3.2.27B in that the baseline for determining the amount of any rebate is a calculation that assumes that the earlier expansion had been undertaken for both the initial renewable generator and the unforecasted customer, who in this case, is either a load customer or a non-renewable generator. However, unlike Section 3.2.27B which refers to Section 3.2.27C for the appropriate calculation, Section 3.2.27D refers to Section 3.2.27. It is this section, and in particular part (b), that is not clear to LPMA as to how the allocation of costs between a renewable generator (with an expansion cost cap) and a load customer or a non-renewable generator would be done on the basis of relative load levels and relative line length.

Sincerely,

A handwritten signature in black ink that reads "Randy Aiken". The signature is written in a cursive, flowing style.

Randy Aiken
Aiken & Associates