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March 31, 2010

ONTARIO ENERGY BOARD

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

Attention: Kirsten Walli

Subject: EB-2010-0038, Participant Comment Letter

Please find attached the subject letter in response to the invitation to comment on Board File Number EB-2010-0038.

Best regards,



Jill Medley  
Regulatory Consultant  
SunEdison

**Date:** March 31, 2010

**To:** Ontario Energy Board  
P.O. Box 2319, 27th Floor  
2300 Yonge St.,  
Toronto, ON M4P 1E4

**From:** SunEdison  
3 Church Street, LL5  
Toronto, Ontario  
M5E1M2

**Subject:** Comments on Board File No. EB-2010-0038 - Proposed Amendments to the Distribution System Code

Thank you for the opportunity to comment on the subject amendment to the Distribution System Code.

As stated in the Notice to Amend a Code, Board File No. EB-2010-0038, there have been differences of opinion between distributors and their customers regarding the scope of work that is subject to alternative bid, and in particular in relation to the work that is identified as uncontestable under section 3.2.15 of the Distribution System Code. The Board is therefore proposing amendments to the Distribution System Code that will provide clarity regarding the application of alternative bid provisions.

Since the subject clause 3.2.15 came into effect, the Feed-In Tariff (FIT) program was launched by the OPA and FIT contracts issued for over 500 capacity allocation exempt facilities. Further, the OPA will likely announce the winners of the non-capacity allocation exempt projects within the next couple of weeks. As a result, there will be a significant number of connection applications submitted to the local distribution companies for which these differences of opinion will continue to cause confusion, frustration, delays and costs in the connection process because the proposed changes will not yet be in effect i.e. are not published on the Board's website.

To ensure that these changes take effect in time to address the connection applications arising from the FIT program and minimize the impact of the "differences of opinion", we recommend that the proposed changes come into force the same day that clause 3.2.15 came into effect.

Please contact Jill Medley, Regulatory Consultant to SunEdison, at [jmedley@sunedison.com](mailto:jmedley@sunedison.com) or at mobile 647-2-2-6563.

Prepared by: Jill Medley  
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