

April 19, 2013

Kirsten Walli  
Board Secretary  
Ontario Energy Board  
P.O. Box 2319  
2300 Yonge Street, Suite 2700  
Toronto, Ontario M4P 1E4

*Via Board's web portal and by courier*

Dear Board Secretary:

**Re: Board File No. EB-2010-0246  
Notice of Proposal to Amend a Code  
Proposed Amendments to the Distribution System Code**

The Electricity Distributors Association (EDA) appreciates the opportunity to provide feedback on the Proposed Amendments to the Distribution System Code (DSC) as it relates to the connection of micro-embedded generation facilities.

The EDA is the voice of Ontario's electricity distribution utilities, the publicly and privately owned companies which safely and reliably deliver electricity to all Ontario through 4.8 million homes, businesses, and public institutions.

The EDA would like to comment on four of the changes that the OEB is proposing to make in its Notice of Proposal to Amend a Code:

1. The use of calendar days versus business days for Application Processing
2. The requirement to meet the 100% threshold for application processing
3. Inconsistent treatment of "All Service Conditions Met" for Connections
4. Indemnification Provisions for third party claims.

**1. Calendar Days for Application Processing**

The EDA recommends having both application processing and connections be based on "business days" not calendar "days". The rationale being that this will reduce the potential for confusion for both distributors and for customers, as all other sections of the DSC that relate to connections are stated in "business days".

Further, the EDA does not believe it is in the best interest of (load) customers to force distributors to abide by calendar “days” for micro-embedded generation application processing. During high volumes of applications, a distributor will be obligated to use weekend hours and/or overtime (i.e. increased labour costs) to meet the DSC requirements. Application Processing Costs are not directly recovered from the applicant or even from other generators; they are recovered from (load) customers.

## **2. Requirement to meet 100% Compliance Threshold for Application Processing**

The EDA believes that a 100% compliance threshold will still force distributors to place micro-embedded connections (specifically site assessment visits) in higher priority than other work. The staff that carry out site assessments are the same that perform other connection and restoration work. Therefore, if a distributor is in a situation where a trade-off is required between other work and a site assessment, the distributor would be forced to choose the site assessment. The EDA accordingly supports a 90% compliance threshold.

## **3. “All Service Conditions Met” for Connections**

The EDA proposes that “all service conditions met” be added for micro-embedded generation connections, as it is with load connections. Without this change there could be the potential where some service conditions are not met and distributors are obligated to connect the customer within the timeframe or be non-compliant. This was granted to Hydro One in its original exemption application and decision:

*“The evidence shows that there may be significant customer-driven delays encountered after the offer to connect is issued. In addition, there are additional requirements which are not specifically identified in 6.2.7 but which are necessary before the physical connection can be made. Some of these are within the control of Hydro One and some are within the control of the customer. The provisions of 7.2.1 recognize that all service conditions must be met before the connection can be made. The Board is satisfied that this is an appropriate approach for micro-embedded generation projects during the exemption period. “*

## **4. Indemnification Provisions from Third Party Claims**

The EDA acknowledges that the OEB has ruled on this matter, but the EDA reserves the right to bring forward “compelling arguments” or evidence in the future, as they become available, to further support our recommendation that indemnification provisions for LDCs from third party claims should be explicitly included in the Standard Form Connection Agreement found in the DSC.

Sincerely,



Teresa Sarkesian  
Vice President, Policy and Government Affairs