



January 9, 2019

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

via RESS and Courier

Dear Ms. Walli:

**Re: Notice of Amendments to Codes to Facilitate Regional Planning
EB-2016-0003**

On December 18, 2018, the Ontario Energy Board (“OEB”) issued a Notice of Amendments to Codes to Facilitate Regional Planning (the “Amendments”). The Amendments reflect the OEB’s August 23, 2018 Revised Notice of Proposal and subsequent stakeholder comments, and also include a supplemental proposed amendment (the “Supplemental Amendment”) to the Distribution System Code. The OEB has invited written submissions on the Supplemental Amendment.

The Coalition of Large Distributors (“CLD”) are pleased to offer comments on the Supplemental Amendment. The CLD consists of Alectra Utilities Corporation, Hydro Ottawa Limited, Toronto Hydro-Electric System Limited (“THESL”), and Veridian Connections Inc.

A. Supplemental Proposed Amendment to the Distribution System Code

The OEB’s Supplemental Amendment aims to align the treatment of residential developers in sections 3.2.4 and 3.6.1 of the DSC, specifically with regard to the costs of transmission assets owned by distributors:

“The OEB is therefore proposing to amend section 3.2.4 to exempt residential developers from paying a capital contribution, where the distribution expansion involves an upstream transmission asset that has been deemed to be a distribution asset.”

The CLD is generally supportive of the Supplemental Amendment in addressing the issue identified by the OEB.

However, the proposed wording adding the phrase “or a residential developer” to section 3.2.4 does not appear to reflect the intent to address only transmission assets that have been deemed



to be distribution assets, and rather could be interpreted to exempt “residential developers” from all capital contributions. The CLD suggests that revised wording make clear that only “transmission assets that have been deemed to be distribution assets” are at issue, and that (non-transmission asset related) capital contributions remain a general requirement for residential developers.

In addition, the CLD requests clarity as to the term “residential developer”; the CLD notes that the OEB used the term “Residential Subdivision Developers” in the heading, but “Residential Developers” in the amendments. As the term “residential developer” can be interpreted relatively broadly and could include any number of parties, from those planning a small subdivision to a large scale high-rise development with a residential component, clarity is required as to who would qualify for this exemption.

An alternative the OEB may wish to consider is instead to specify that any development or grouping of developments that falls below the load threshold of 5MW (regardless of type) exclude transmission assets that have been deemed to be distribution assets from the calculation of their required capital contribution.

The CLD appreciates the opportunity to provide its comments on this matter.

If you have any questions with respect to the above, please contact the undersigned.

Sincerely,

Original signed by

Andrew Sasso
Director, Regulatory Affairs
Toronto Hydro-Electric System Limited

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