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ONTARIO ENERGY BOARD

January 20, 2009

21/1/09
Ontario Energy Board
P.O. Box 2319
2300 Yonge Street
Toronto, Ontario
M4P 1E4

Attention: Board Secretary

EB-2008-0162

OEB BOARD SECRETARY	
File No:	SubFile: <i>4</i>
Panel	
Licensing	<i>Cedric L.</i>
Other	
00/04	

Re: Brantford 2009 IRM Application (EB-2008-0162)–Brant County Power Intervention

Brant County Power (BCP) is formally requesting intervener status in the above noted application.

Brant County Power does understand that this request is very late in the application process; however issues outside BCP's control have led to this request.

If approved, BCP will not be submitting any interrogatories, however will be prepared to file submissions by February 2, 2009. As BCP is a LDC within the Province of Ontario, we will not be filing any cost claims relating to the above noted proceeding.

The nature of the intervention is related to the current level of charges being applied by Brantford Power for "Embedded Charges" relating to services provided to BCP. Due to the physical nature of the distribution system in the Brantford/Brant County areas, BCP is of the belief that the only services provided by Brantford Power are for wheeling charges, and it will be BCP's submission that the Embedded Charges are far above the level of cost to provide this service and in fact that BCP does not meet the description of an embedded distributor. The charges are a serious financial concern to BCP Management, Shareholders and Rate Payers.

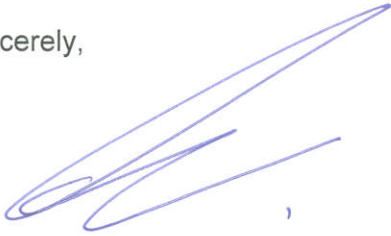
It is understood, that an IRM application is not the typical means to disputing these charges, however direction from the OEB's CCO Mr. Hewson (letter attached) suggested this path and the recent Hydro One application (EB-2008-0187) has dealt with similar issues relating to disputed charges.

For the Board's information, BCP is also submitting a motion to rehear the Brantford Power 2008 rate application and a formal submission will be submitted on this issue in the immediate future.

The filing of multiple letters (Intervention in 2009 IRM and Motion to Rehear 2008 decision) was discussed with Senior OEB Staff and it was suggested that both paths should be followed.

If you have any questions or concerns, please contact me directly.

Sincerely,

A handwritten signature in blue ink, consisting of a large, sweeping loop followed by a smaller, more intricate flourish.

Bruce Noble
Chief Executive Officer
Email bnoble@brantcountypower.com

Attachment

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By Email: bnoble@brantcountypower.com

Mr. Bruce Noble
Chief Executive Officer
Brant County Power
65 Dundas Street East
Paris ON N3L 3H1

Re: Brantford Power Inc. distribution charges

Dear Mr. Noble:

I am writing in response to your letter of November 14, 2008 in respect of the rates being charged to Brant County Power Inc. ("BCP") by Brantford Power Inc. ("BPI"). Specifically, BCP has raised issues regarding the distribution charges that BPI has been charging BCP as an embedded distributor since May 2008.

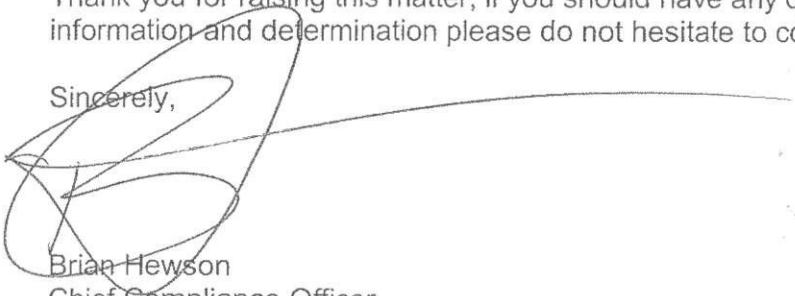
In its RB-2007-0698 Decision with Reasons, the Board approved BPI's request to charge its one embedded distributor using its >50 kW General Service rate schedule. In the November 14, 2008 letter, BCP set out the charges that it is being charged by BPI for the three feeders that deliver power from BPI's system to BCP. Based on a review of your correspondence, it appears that BPI is charging BCP, an embedded distributor in accordance with the Board's Decision using the rates approved by the Board in its EB-2007-0698 Rate Order. These charges appear to be the appropriate charges.

In regard to BCP's claim that it is not in fact an embedded distributor customer of BPI, as contemplated in the Board's decision, I do not believe the view is supported by the facts. BPI indicated in its rate application that it served an embedded distributor, BCP is the only licensed electricity distributor that BPI is providing service to.

As a result of our review, the Compliance Office does not see any matter of non-compliance to pursue. Therefore, we intend to close the compliance file. If BCP considers the rate that it is being charged to be unreasonable or inappropriate, BCP may, if the Board permits, make a submission in the current BPI rate proceeding.

Thank you for raising this matter, if you should have any questions regarding the above information and determination please do not hesitate to contact me at 416-440-7628.

Sincerely,



Brian Hewson
Chief Compliance Officer