



EB-2009-0059

IN THE MATTER OF the *Ontario Energy Board Act, 1998*,
S.O. 1998, c. 15, Schedule B;

AND IN THE MATTER OF an application pursuant to
section 74 of the *Ontario Energy Board Act, 1998* by
Horizon Utilities Corporation to amend its Electricity
Distribution Licence ED-2006-0031.

By delegation, before: Jennifer Lea

DECISION AND ORDER

THE APPLICATION

Horizon Utilities Corporation ("Horizon") filed an application on February 17, 2009, with the Ontario Energy Board under section 74 of the *Ontario Energy Board Act, 1998* for an order of the Board to amend Horizon's licensed service area in Schedule 1 of its electricity distribution licence ED-2006-0031. The Board assigned the application file number EB-2009-0059.

This service area amendment is required in order for Horizon to supply electricity and provide electricity distribution services to a proposed commercial development known in part as the SmartCentres Commercial Development in the City of Hamilton, which is currently located within Hydro One Networks Inc.'s ("Hydro One") licensed service area.

The lands are located in the former Township of Binbrook in the former Township of Glanbrook as of December 31, 1973, now in the City of Hamilton and described as Part of Township Lot Two (2), Blocks Three (3), Four (4), Five (5), Nine (9), Ten (10) and Eleven (11) except for the following address (which is excluded):

- 2120 Rymal Road East in the City of Hamilton.

FINDINGS

Based on the evidence, I find that it is in the public interest to amend Schedule 1 of Horizon's electricity distribution licence to include the lands described above. The following facts are relevant to this decision.

The evidence filed with the application demonstrates that it is more economically efficient for Horizon to serve the proposed development. The proposed service area amendment will enhance the utilization of Horizon's existing urban distribution system. The proposed development is contiguous to an existing commercial development known as the Brooks of Rymal/20 which is currently serviced by Horizon. Horizon submits that it has surplus capacity on its existing distribution facilities bordering the developments to supply the proposed load for SmartCentres Commercial development while Hydro One's distribution facilities in the proposed amendment area are not sufficient to supply the load for the proposed development without additional investment. Hydro One supports the proposed service area amendment and confirms that it would be more economically efficient for Horizon to service the proposed development.

A letter from the developer filed with the application indicates that the developer prefers Horizon as a service provider. There are no other existing customers in the proposed amendment area. No assets will be stranded as a result of the proposed amendment. In addition, no negative impact on rates, safety, reliability or service quality of Horizon or Hydro One has been identified as a result of the proposed amendment.

The applicant requested that the Board decide the application without a hearing. I have done so. All affected parties consented to the application as filed. The evidence filed with the Board demonstrated that the amendment will not produce any adverse effects on the existing customers of the distributors, nor on prospective customers who may locate in the proposed development.

IT IS THEREFORE ORDERED THAT:

Horizon Utilities Corporation's Electricity Distribution Licence (ED-2006-00031), specifically Schedule 1 of the licence, is amended to include the lands described as:

Lands located in the former Township of Binbrook in the former Township of Glanbrook as of December 31, 1973, now in the City of Hamilton and described as Part of Township

Lot Two (2), Blocks Three (3), Four (4), Five (5), Nine (9), Ten (10) and Eleven (11) except for the following address (which is excluded):

- 2120 Rymal Road East in the City of Hamilton.

DATED at Toronto, March 13, 2009

ONTARIO ENERGY BOARD

Original signed by

Jennifer Lea
Counsel, Special Projects