



EB-2009-0148

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
E.L.K. Energy Inc. to amend E.L.K. Energy Inc.'s and
Hydro One Networks Inc.'s Electricity Distribution
Licences

By delegation, before: Jennifer Lea

DECISION AND ORDER

E.L.K. Energy Inc. ("ELK Energy") filed an application on May 11, 2009, with the Ontario Energy Board under section 74 of the *Ontario Energy Board Act*, 1998 for an order of the Board to amend the licensed service areas of ELK Energy and Hydro One Networks Inc. ("Hydro One"). The Board assigned the application file number EB-2009-0148.

The service area amendment is required to enable ELK Energy to supply electricity to a new facility in the Cottam Sewage Works Upgrade and Expansion project ("Expansion project") that is being developed by the Town of Kingsville. The Expansion project is located in Hydro One's service area. Hydro One has consented to the application.

The legal description of the lands on which the Expansion project is located and that are the subject of this application is:

- Part Lot 269 Part 1 12R-23403, Part Lot 268 Part 1 12R-23674, and Part Lot 269RP 12R-1331 Parts 4 and 5, located at 168 Belle River Road North

FINDINGS

The evidence filed with the application confirms that it is more economically efficient for ELK Energy to service this area as ELK Energy has a distribution line and capacity in close proximity to the property. The application states that there is no Hydro One distribution infrastructure in the immediate vicinity. Hydro One has filed a letter consenting to the proposed service area amendment.

ELK Energy has provided a letter from the Town of Kingsville which requests that ELK Energy be the electrical service provider for the new facility as ELK Energy currently supplies the two existing facilities which lie adjacent to the parcel of land for which ELK Energy is seeking an amendment.

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 ELK Energy or Hydro One has been identified as a result of the proposed amendment. The evidence filed with the Board demonstrated that the amendment will not produce any adverse effects on the existing customers of the distributors.

ELK Energy requested that the Board decide the application without a hearing. I have done so. All affected parties consented to the application as filed.

I find that it is in the public interest to amend ELK Energy's and Hydro One's electricity distribution licences as proposed by ELK Energy.

IT IS ORDERED THAT:

The electricity distribution licences of ELK Energy Inc. (ED-2002-0503), specifically Schedule 1 and Hydro One Networks Inc. (ED- 2003-0043), specifically Appendix B-Tab 4 are amended as requested by the ELK Energy Inc.

The amended licences are attached to this decision and order.

DATED at Toronto, June 3, 2009

ONTARIO ENERGY BOARD

Original signed by

Jennifer Lea
Counsel, Special Projects