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September 18, 2009

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

Dear Ms. Walli:

Re: EB-2009-0077 – Written Comments on the Notice of Revised Proposal to Amend a Code – Revised Proposed Amendments to the Distribution System Code from the London Property Management Association

This letter is in response to the Board's September 11, 2009 letter related to the Notice of Revised Proposal to Amend a Code – Revised Proposed Amendments to the Distribution System Code (EB-2009-0077). Three paper copies have been provided to the Board and an electronic version has been file through the Board's web portal at www.errr.oeb.gov.on.ca.

These are the written comments of the London Property Management Association (LPMA). Comments have been provided on the specific proposed revisions set out in Section III.A of the Board's letter.

1. Definition of "Connection Assets"

LPMA believes that leaving the existing definition as is is appropriate. The addition of the originally proposed phrase in the June 5, 2009 Notice of Proposal did not add clarity and as evidenced by the comments of a number of stakeholders appeared to add more confusion.

2. Definition of “Expansion”

LPMA agrees with the addition of the new section 3.2.30 to the DSC that provides an expanded list of specific investments or assets that fall within the category of “expansions”. The proposed section 3.2.30 states “an expansion of the main distribution system includes:” and then goes on to list a number of items.

LPMA is not certain whether this list is meant to be all inclusive, or for illustration purposes only, or meant to list the most common investments or assets that fall within the category of “expansions”. In any case, LPMA submits that section 3.2.30 should include words or a phrase that clarify if the list of items (a) through (h) are all inclusive, for illustration purposes, or for the most common components of “expansion” assets.

3. Definition of “Renewable Enabling Improvement”

Similar to the comments provided above with respect to the definition of “expansion” assets, LPMA submits that further clarity is required for section 3.3.2.

LPMA notes that the wording for section 3.3.2 appears to be more definitive than the wording quoted above for section 3.2.30. In particular, the wording “... are the following:” appears to indicate that only the items listed in (a) through (i) that follow could be considered as “renewable enabling improvements”. If this is the intent, then LPMA submits that the wording should be strengthened to “are limited to the following:”. If this is not the intent of section 3.3.2, then the wording needs to be altered to indicate that items (a) through (i) are not all inclusive, and are for illustrative purposes only, or are the most common components of “renewable enabling improvements”.

4. Administration of Rebates

LPMA supports the Board proposal with respect to scenario (a) when a renewable generator connects to the distribution system in respect of an expansion that was initially funded by either a load customer or a generator customer to who the renewable energy expansion cost cap does not apply.

However, LPMA questions whether there should be a time limit on how far back the initial capital contribution was made. Is it necessary or even practical to go back and refund all or part of an initial capital contribution that was made 5, 10 or 20 years ago?

LPMA notes that there should be some adjustment to the initial contribution amount to reflect the use of the facilities from the time of the initial contribution to when the rebate is calculated.

LPMA further notes that it is not clear if any rebate calculated based on the Board proposal would go to the current owner of the load facility or generator facility rather than the owner that actually made the initial contribution. Further, it may not be practical to track down the initial contributor.

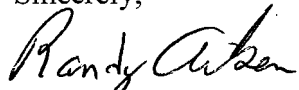
With respect to scenario (b) where a new customer connects to the distribution system in respect of an expansion that was previously funded by a renewable energy generator, LPMA supports that Board proposal where the new customer is a load customer.

However, if the new customer is a renewable energy generator, LPMA submits that the Board should make certain that its proposal does not have any impact on the connection of renewable energy generators. The proposed section 3.2.5C appears to deal with the allocation of any capital contribution when there is more than one requesting generator as part of a expansion.

It is unclear to LPMA what the impact of the Board's proposal in scenario (b) would be on the situation where there is one initial renewable energy generator that connects and pays a capital contribution and then at some later time, a second renewable energy generator connects. LPMA believes that there should be some refund of the initial contribution by the first renewable energy generator if some of the excess capacity related to the original expansion for the first renewable energy generator is ultimately utilized to serve the second or subsequent renewable energy generator. In such a situation, there could be a cost associated with being the first renewable energy generator in an area.

If any excess capacity is not allocated or utilized by second and subsequent generators, then there would be no need for any refund of the contribution made by the first generator.

Sincerely,

A handwritten signature in black ink that reads "Randy Aiken". The signature is written in a cursive style with a large, prominent initial "R".

Randy Aiken

Aiken & Associates