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Ontario Energy Board
P.O. Box 2319
2300 Yonge Street, Suite 2700
Toronto, ON M4P 1E4

ATTENTION: Kirsten Walli

Dear Madam:

**RE: EB-2009-0077 Revised Proposed Amendments to the Distribution System Code
Referencing Section - V. Coming Into Force**

"The Board confirms that the Revisited Proposed Amendments would, if adopted, apply only to investments associated with renewable generation projects for which an application to connect was made on, or after, the date on which the Revised Proposed Amendments come into force."

According to the OPA July 21, 2009 *Proposed Feed-In Tariff Program Revisions to Draft FIT Rules*, "Applicants who applied for a CIA/SIA/Customer IA [application to connect] prior to March 14, 2009 and intend to participate in the FIT Program must agree to rescind any such CIA/SIA/Customer IA or any Connection Cost Agreement."

For the purposes of establishing a *date of application* as defined by the Board under Section V of this file, it is unclear if generators who rescind their CIA, etc. and reapply under the FIT program (at some point on or after the Revised Proposed Amendments come into force), are considered to be new applications for the purpose of connecting?

If those generators that rescind their CIA, etc. are considered new applicants to connect, it would appear they would be entitled to the new connection cost responsibility rules.

Respectfully Submitted,

William H. Kemp
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