



September 25, 2009

RESS & COURIER

Ontario Energy Board
P.O. Box 2319
27th Floor
2300 Yonge Street
Toronto ON M4P 1E4

Attention: Ms. K. Walli, Board Secretary

Dear Ms. Walli:

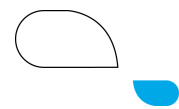
Re: CanWEA Comments on Notice of Further Revised Proposal to Amend the Transmission System Code (Board File No. EB-2008-0003)

These are the submissions of the Canadian Wind Energy Association (“CanWEA”) in respect of the Ontario Energy Board’s (the “Board”) Notice of Further Revised Proposed Amendments to the Transmission System Code (the “Notice”), Board File No. EB-2008-0003. CanWEA has provided comments at earlier stages of this proceeding and welcomes the opportunity to once again review and comment on the Board’s further refined proposals.

CanWEA is a national, not-for-profit association that works on behalf of its members to promote the responsible and sustainable growth of wind energy in Canada. CanWEA has more than 420 members, including wind turbine manufacturers and component suppliers, wind energy project developers, owners and operators, and a broad range of service providers. CanWEA’s activities in Ontario are guided by its Ontario Caucus, which consists of over 100 members.

Generally, CanWEA and its members are supportive of the further revised proposed amendments set out in the Notice, particularly the proposed addition of two further avenues for designating enabler facilities. We offer the following comments:

810 – 170 av. Laurier Ave. W/O
Ottawa ON Canada K1P 5V5
Toll free/Sans frais > 1 800 922.6932
T > 613 234.8716 F > 613 234.5642 www.canwea.ca



1. **Consistent criteria should be used to determine whether enabler facilities are economic**

Part II, A 3. of the Notice explains the Board's view that "it is desirable to make provision for screening criteria that can serve to promote the development of the more economic clusters of renewable resources." Based on this view, the Board is proposing that two screening criteria be used by the Board when considering whether to designate, as an enabler facility, a connection facility that is intended to connect a renewable resource cluster that has been identified by the OPA based on information received through implementation of the Feed-in-Tariff program. The proposal implies that, by ensuring that such clusters identified by the OPA are at least 100 MW and that if the proposed enabler line is at least 10 km long, then it will be economic to develop such connection facility as an enabler. It would not be required for these criteria to be applied where an enabler is being proposed through an IPSP or a transmission system plan filed by a transmitter, or where designated by way of a ministerial directive.

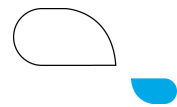
CanWEA and its members are of the view that the proposed screening criteria are arbitrary, unnecessary and that it is not desirable to apply any such criteria in a non-uniform manner. The Notice offers no justification for why 100 MW is the level at which a renewable resource cluster becomes economic or how the Board arrived at this criterion. Similarly, there is no justification provided for why the Board is of the view that an enabler line that is shorter than 10 km is presumptively non-economic. These criteria are entirely arbitrary and, as such, would be expected to lead the Board to designate some enabler facilities that are otherwise not economic, as well as to withhold the enabler designation from other facilities that otherwise would be economic. In so doing, these arbitrary criteria could impede the development of financially viable clusters of renewable resources.

Rather than introduce artificial screening criteria in the manner proposed, the Board should instead defer to the economic analysis that would be carried out by the OPA in determining whether it should propose that a particular connection facility be designated as an enabler. This approach would be more consistent with the type of approach that would be used to designate enablers through the approval of an IPSP, whereby the OPA undertakes a thorough economic analysis, presents its conclusions to the Board for approval and the Board with the assistance of staff and intervenors have the opportunity to ensure that the analysis used to identify the potential enabler was carried out with the appropriate level of rigour.

Moreover, to ensure consistency among the various means by which an enabler can be designated, the Board should ensure that the approach it will use to evaluate the economic merits of a transmitter-proposed enabler facility will be consistent with the approach used by the OPA when the OPA evaluates the economic merits of enablers that the OPA proposes either under the IPSP or based on information received through implementation of the FIT program.

2. **Clarity is needed with respect to the means by which transmitters are selected for and are approved to develop enabler facilities identified by the OPA through FIT implementation**

Where an enabler facility is proposed and approved in a transmission system plan filed by a transmitter, it is clear that such enabler would be developed, constructed, owned and operated by



that transmitter. Similarly, as indicated by a recent announcement by the Minister of Energy and Infrastructure on investments in new transmission infrastructure, it appears that where an enabler facility is designated by way of ministerial directive such directive will also specify the particular transmitter that will be responsible for the development of such enabler facilities. However, where an enabler is proposed by the OPA based on information obtained through FIT implementation and designated or approved by the Board, it is not clear how transmitters can bid on, get approved for or otherwise be selected to develop, construct, own and/or operate such enablers. So as to avoid confusion and delay in the development of important transmission infrastructure needed to support renewable generation, this uncertainty should be clarified.

All of which is respectfully submitted on September 25, 2009.



Robert Hornung
President

cc: Valerie Helbronner, Torys LLP

