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NOTICE OF AMENDMENT TO A CODE

AMENDMENTS TO THE DISTRIBUTION SYSTEM CODE

BOARD FILE NO: EB-2009-0077

**To: All Licensed Electricity Distributors
All Licensed Generators
All Participants in Consultation Process EB-2009-0077
All Other Interested Parties**

The Ontario Energy Board (the "Board") has today amended the Distribution System Code (the "DSC") as indicated in sections II and III below, pursuant to section 70.2 of the *Ontario Energy Board Act, 1998* (the "Act").

The Board is also advising interested parties that it will initiate a separate notice and comment process to address one outstanding issue, as discussed in section IV below.

I. Background

On June 5, 2009, the Board issued a Notice of Proposal to Amend a Code (the "June Notice") in which it proposed a number of amendments to the DSC (the "June Proposed Amendments") that would revise the Board's current approach to assigning cost responsibility as between a distributor and a generator in relation to the connection of renewable generation facilities to distribution systems in a manner that would facilitate implementation of the Government's policy objectives regarding renewable generation. Under the June Proposed Amendments:

- distribution system investments related to the connection of renewable generation facilities would be classified within three general categories: "connection assets"; "expansions"; and "renewable enabling improvements";

- “connection assets” would continue to be paid for by generators;
- cost responsibility for “expansions” would be assigned as follows:
 - where the expansion is in a Board-approved plan or is otherwise approved or mandated by the Board, the distributor would be responsible for all of the costs of the expansion; and
 - in all other cases, the distributor would be responsible for the costs of the expansion up to a “renewable energy expansion cost cap” (\$90,000 per MW of capacity of the connecting generator), and the generator would be responsible for all costs above that amount; and
- the distributor would bear all of the costs of “renewable enabling improvements”.

The June Notice set out background information relating to connection cost responsibility in general and identified the rationale for the June Proposed Amendments.

The Board received written comments on the June Proposed Amendments from a variety of stakeholders, including the Ontario Power Authority (“OPA”), the Ontario Ministry of Agriculture, Food and Rural Affairs, and representatives of distributors, generators, ratepayers and aboriginal communities.

On September 11, 2009, the Board issued a subsequent Notice (the “September Notice”) which incorporated a number of further proposed amendments (the “September Proposed Amendments”) arising as a result of the Board’s consideration of the comments provided by interested parties on the June Proposed Amendments.

The Board received written comments on the September Proposed Amendments from 14 interested parties, including representatives of electricity distributors, generators, ratepayers and the OPA.

The comments received on the June Proposed Amendments and the September Proposed Amendments are available for viewing on the Board’s website at www.oeb.gov.on.ca

II. Adoption of September Proposed Amendments with Revisions

The Board has considered the comments received in response to the September Notice, and has determined that, with the exception discussed in section IV below, no material changes are required to the September Proposed Amendments. The Board has therefore adopted most of the September Proposed Amendments with the modifications discussed in section III below, which the Board considers warranted in order to add clarity (the “Final Amendments”).

The Final Amendments to the DSC as adopted by the Board are set out in Attachment A to this Notice. Attachment B to this Notice sets out, for information, a comparison version of the Final Amendments relative to the DSC as it existed prior to the adoption of the Final Amendments.

III. Summary of Comments and Identification of Revisions to the September Proposed Amendments as Adopted by the Board

The following provides a high-level summary of the more significant comments received on the September Proposed Amendments and identifies the revisions to the September Proposed Amendments that the Board has adopted as part of the Final Amendments.

In their comments on the September Proposed Amendments, certain stakeholders reiterated comments or suggestions that they had provided on the June Proposed Amendments but that were not accepted by the Board when it revised its proposed approach and issued the September Notice. The Board is generally not persuaded that its approach to these issues needs to be revised, and those comments or suggestions are therefore generally not addressed further in the discussion that follows.

A. Categories of Investment

Most stakeholders that commented on the proposal to revert to the existing definition of “connection assets” were supportive of the Board’s approach.

Some stakeholders requested confirmation about whether the definitions of the terms “expansion” and “renewable enabling improvement” are intended to be exhaustive or illustrative. Other stakeholders noted that one of those terms (“renewable enabling improvement”) appears to be defined in an exhaustive manner whereas the other

(“expansion”) is not, and suggested that both should be illustrative. In the Board’s view, having two illustrative definitions will increase the likelihood that a given investment could potentially be included in both categories, thus creating uncertainty that that Board believes should be avoided. The Board therefore remains of the view that the term “renewable enabling improvement” should remain defined in an exhaustive manner, and that any investment that does not fit within that exhaustive definition should be treated as an “expansion” (unless it is a “connection asset”). One stakeholder suggested revisions to the definitions that would more clearly reflect this approach. The Board believes that one of those suggested revisions would provide added clarity, and has revised the opening paragraph of section 3.3.2 of the DSC accordingly. The Board also confirms that the concept of “renewable enabling improvement” applies only in relation to investments made to connect renewable energy generation facilities. Other investment categories would apply in relation to these types of investment if made to connect a load facility or a non-renewable energy generation facility. For example, upgrading to higher rated protective equipment in response to a request for connection by a load customer would be considered an expansion (unless it was a “connection asset”).

Different stakeholders also suggested the following other revisions to the descriptions of the terms “expansion” and “renewable enabling improvement”, which the Board believes will also contribute to greater clarity and has also adopted:

- revising paragraph (b) of section 3.3.2 to refer more specifically to voltage regulating “transformer controls or station controls” rather than to voltage regulating “equipment”; and
- revising paragraph (g) of section 3.2.30 to refer more specifically to a “voltage regulating transformer or station” rather than to a “regulating station transformer”.

One stakeholder commented that limiting the application of section 3.2.30 (the illustrative list of what constitutes an “expansion”) to renewable energy generation facilities creates uncertainty regarding whether the listed items would be considered “expansions” in relation to the connection of a load or a non-renewable energy generation facility. The Board sees no reason why these examples should not apply equally to all customers, and has revised the definition of “expansion” and section 3.2.30 of the DSC accordingly.

This same stakeholder also commented that it is not clear whether the definitions of “enhancement” and “expansion” are mutually exclusive, and proposed that the Board clarify the matter by specifying that a modification to the main distribution system is an expansion if the connecting customer could not connect without the modification. As indicated in the September Notice, the concept of “enhancements” better lends itself to system investments that are planned and effected to address matters relating to loads. Enhancements are investments that, while perhaps triggered by or resulting from a connection request, are distribution system improvements that will benefit system users more broadly. The Board acknowledges that there may be potential for some overlap between “enhancements” and “expansions”, but in light of the above and of the cost responsibility rules that will apply to each of these categories of investment under the Final Amendments the Board does not believe that this potential for overlap is likely to give rise to material problems as a matter of practice. The Board also notes that these concepts have been included in the DSC for some time, and do not appear to have given rise to significant practical concerns. The Board therefore does not believe that it is necessary to propose further amendments to the DSC to address this issue.

Some distributors reiterated an earlier comment to the effect that, where a generator requests that an investment be made to provide a higher than normal level of reliability (such as a second circuit or auto transfer capability), the cost of that investment should be borne by the generator. The DSC does not specifically address the level of reliability to be provided to any particular class or type of customer, and where a customer wishes to obtain a level of reliability higher than the standard normally provided by the distributor the matter is typically negotiated by the parties as part of the connection process. The cost responsibility provisions of the DSC therefore relate more specifically to the costs associated with a level of reliability that is offered as the “standard” by a distributor. Subject to any mandatory reliability requirements that may be applicable at any given time, the Board expects distributors to act reasonably in terms of the “standard” level of reliability to be provided to customers. Beyond that, if a customer for its own commercial or other reasons requires a higher level of reliability in circumstances where the provision of that higher level would avail only to the customer’s benefit, the customer should bear the incremental cost of that higher level. As such, the Board confirms that, in the case of a renewable generator, those incremental costs would not be included as part of the generator’s renewable energy expansion cost cap.

B. Cost Responsibility for Transformer Stations

Some stakeholders commented on the issue of cost responsibility for transformer stations, noting among other things that a transformer can be owned by either a distributor or a transmitter and that the definitions or descriptions of the terms “expansion” and “renewable enabling improvement” do not refer specifically to transformer stations. Certain of these stakeholders noted that cost responsibility should not be dependent on who owns the transformer station. One of these stakeholders expressed concern regarding the cost responsibility treatment of transformer stations under the September Proposed Amendments and the cost responsibility treatment of transformer stations under proposed amendments to the Transmission System Code that were the subject of a separate Board initiative (EB-2008-0003). Specifically, this stakeholder noted that, where a generator requires a transformer station to connect its facility, the generator may opt to connect to a distribution system by reason of the cost responsibility treatment that is proposed for expansions and renewable enabling improvements under the DSC. This stakeholder commented that, as such, the decision on whether a transmitter or a distributor should build a new transformer station to enable the connection of generation may be influenced by the generator’s particular economic considerations rather than broader system efficiency.

At the present time, all transformer stations owned by a distributor have been deemed by the Board to be distribution assets. As such, they form part of the distributor’s rate base, and the Board confirms that they are therefore part of the distributor’s main distribution system for the purposes of the DSC. As a result, cost responsibility for such a transformer station would be determined in the same manner as for all other modifications or additions to the main distribution system of the distributor to whose system the renewable generation facility is connecting. Were it to be the case that a transformer station owned by a distributor was not deemed to be a distribution asset (in other words, the transformer station is a transmission asset), then the station would not form part of the main distribution system of the distributor to whose system the renewable generation facility is connecting. In such a case, cost responsibility for the transformer station would be the same as for upstream costs; namely, the cost of the transformer station would be passed through to and borne by the generator.

The Board recognizes that its approach to cost responsibility under the DSC results in a treatment of transformer station costs that varies depending on the classification of the transformer station, and will be mindful of this implication when it considers future

applications where the classification of a distributor-owned transformer station is involved. The Board also recognizes that its approach to cost responsibility under each of the TSC and the DSC may create incentives for a renewable generator to connect at the distribution level rather than the transmission level. However, the Board expects that transmitters and host distributors will be mindful of the implications of renewable generation connections that are anticipated to occur to the systems of their embedded distributors, and will plan their own systems accordingly. Over time, this can be expected to mitigate the risk associated with the different cost responsibility regimes under the Board's two Codes. The Board also notes that the risk of inefficient outcomes will be mitigated in many cases by the fact that renewable generation projects are often location dependent, lacking the siting flexibility required for choosing between a transmission connection and a distribution connection, and by the fact that most transformer stations are owned by transmitters. The Board therefore does not believe that it is necessary at this time to take further steps in relation to the concerns identified by stakeholders regarding cost responsibility for transformer stations.

C. Estimates vs. Final Costs

Some stakeholders representing generators expressed concern about the potential for the escalation of expansion costs between the initial estimates provided by an electricity distributor and the final actual costs, and recommended that this risk should be mitigated. One such stakeholder suggested that a renewable generator proponent seeking a connection have the ability to request an alternative bid when the estimated total cost of the expansion is within 10% of the proponent's renewable energy expansion cost cap. Another such stakeholder suggested that estimates for expansions should be binding on distributors and that, if actual costs exceed the estimate, then the distributor should bear full cost responsibility for the excess.

The Board notes that section 6 of the DSC makes provision for most generators to obtain, at their own cost, a detailed cost estimate for a proposed connection. The Board expects that such detailed cost estimates will be prepared by distributors diligently and with as much accuracy as the available information will allow. Should the Board become aware that distributors are consistently and materially under-estimating the total costs of connection for renewable energy generation facilities, the Board will address the matter as warranted at that time.

D. Administration of Rebates

Some stakeholders provided comments relating to the administration of rebates. One stakeholder commented that the September Proposed Amendments do not describe how rebates would be collected from generators to whom the renewable energy expansion cost cap does not apply, also noting that in its view all connecting customers should be treated the same with respect to cost responsibility for shared capacity. Other stakeholders expressed concerns about other features of the existing rebate mechanism (e.g., time limits on rebate eligibility and the consideration of factors such as relative load level and relative line length). The rebate mechanisms for unforecasted customers have been part of the DSC (section 3.2.27) for some time, and the September Proposed Amendments did not propose to alter the determination or administration of rebates payable to initial load and non-renewable generator customers. Further, the Board believes that section 3.2.27(b) of the DSC currently provides the necessary flexibility to enable distributors to determine the amount of a rebate based on criteria that is appropriate to the circumstances (e.g., the distributor may consider relative load level, line length, or both, depending on whether the customer is a load or a generator). Therefore, the Board does not believe that any further revisions to the DSC are required in relation to these matters.

E. *Transition for Cost Responsibility Approach to Enhancements*

Stakeholders representing distributors expressed concerns regarding the timing of the application of the September Proposed Amendments relating to enhancement costs. They noted that some distributors have already filed their 2010 cost of service applications, based in part on the application of the methodology for determining cost responsibility set out in the DSC at the time of filing. However, these stakeholders noted that the rates for those distributors will be set after these amendments come into force. Therefore, these stakeholders suggested that the amendments regarding cost responsibility for enhancements should not apply to a distributor until the distributor's rates have been set based on a cost of service application for the first time following the 2010 rate year. This suggestion is in keeping with the Board's intention, and the Board has revised section 3.3.4 and paragraph (d.1) of section B.1 of Appendix B of the DSC accordingly.

IV. Deferral of Consideration of Proposed Amendments to the DSC Regarding Eligibility for Rebates

In the September Proposed Amendments, the Board proposed that no rebate be payable to a renewable generator whose connection costs were determined on the basis of the proposed new cost responsibility rules (i.e., whose expansion costs were determined based on the application of a renewable energy expansion cost cap) if and when an unforecasted customer connects to the renewable generator's expansion. Some stakeholders recommended that the Board reconsider that proposal. One of these stakeholders noted that the Board's proposed approach could result in some generators delaying their connections in order to connect to expansions already paid for by earlier connecting renewable generators.

The Board has considered the comments received in relation to this issue, and believes that the issue warrants further examination. The Board will consider if an unforecasted customer connecting to an expansion should pay a rebate to an initial renewable generator to whom a renewable energy expansion cost cap applied. The Board will also consider if, in the case where ratepayers bore some or all of the costs on the initial expansion, a rebate should be paid to the benefit of the ratepayers.

It is important that the Board move forward with implementation of the Final Amendments without further delay. The Board has therefore determined that it will commence, in the near term, a separate notice and comment process to address the rebate issue discussed in this section. To ensure a more seamless and equitable transition, the Board will propose, as part of that notice and comment process, that any amendments to the DSC that are proposed in relation to the rebate issue come into force on the same date as the Final Amendments (in other words, that they be effective as of today's date).

In the interim, the Board has deleted section 3.2.27B of the DSC as proposed in the September Proposed Amendments. The Board has, also in the interim, left section 3.2.27A as proposed in the September Proposed Amendments (in other words, without a specific reference to an initial contributor that is a renewable generator to whom a renewable energy expansion cost cap applied). The Board recognizes that section 3.2.27A may need to be revised depending on the Board's proposal for addressing the rebate issue. The Board anticipates that its further notice and comment process will be completed before the rebate issue becomes a practical concern (in other words, before

any unforecasted customer connects to an expansion constructed initially for a renewable generator to whom a renewable energy expansion cost cap applies).

V. Anticipated Costs and Benefits

The anticipated costs and benefits of the June Proposed Amendments and the September Proposed Amendments were set out in the June Notice and the September Notice, respectively, and interested parties should refer to those Notices for further information in that regard. The Board believes that the Final Amendments will facilitate the achievement of the Government's policy goals regarding the connection of renewable generation, while protecting the interests of consumers by preserving incentives for generators to connect in areas where connection costs are lower.

The Board believes that the revisions to the September Proposed Amendments that the Board has adopted, as described in section III above, will provide greater clarity in relation to the application of the Board's revised approach to cost responsibility for renewable generation connections. The Board does not believe that additional material incremental costs will be triggered as a result of the adoption of those revisions.

VI. Coming Into Force

The Final Amendments to the DSC, as set out in Attachment A to this Notice, come into force today, being the date on which they are published on the Board's website after having been made by the Board.

As stated in the June Notice and the September Notice, with respect to distribution system investments related to the connection of renewable generation facilities that are intended to be covered by the Final Amendments, the Board confirms that the Final Amendments apply only to investments associated with renewable generation projects for which an application to connect was made on, or after, today's date. The date of application means the date on which the generator files with a distributor the necessary materials to formally request a connection to the distribution system as described in the applicable portion of Appendix F of the DSC ("Process and Technical Requirements for Connecting Embedded Generation Facilities"), which describes the different steps in the connection process for different sizes of generation facility. As set out in Appendix F of the DSC, in applicable cases the application to connect would include a request for a connection impact assessment.

One stakeholder requested confirmation about the application of the Final Amendments in circumstances where a renewable generator rescinds or withdraws an earlier application to connect and reapplies for connection after the date of coming into force of the Final Amendments. The Board confirms that the Final Amendments would apply to such a renewable generator, provided that the renewable generator files the application materials required by the DSC and has rescinded any earlier connection impact assessments and forfeited any earlier capacity allocations.

This Notice, including the Final Amendments to the DSC set out in Attachment A, will be available for public inspection on the Board's website at www.oeb.gov.on.ca and at the office of the Board during normal business hours.

Any questions relating to the Final Amendments to the DSC set out in Attachment A should be directed to the Market Operations Hotline at market.operations@oeb.gov.on.ca or 416-440-7604. The Board's toll free number is 1-888-632-6273.

DATED at Toronto, October 21, 2009.

ONTARIO ENERGY BOARD

Yours truly,

Original signed by

Kirsten Walli
Board Secretary

Attachs: Attachment A: Final Amendments to the Distribution System Code

Attachment B: Comparison Version of the Final Amendments to the Distribution System Code Relative to the Distribution System Code Prior to the Adoption of the Final Amendments (for information purposes only)

Attachment A

Final Amendments to the Distribution System Code

Note: The text of the proposed amendments is set out in italics below, for ease of identification only. The revisions to the September Proposed Amendments adopted by the Board as part of the Final Amendments are stricken through or underlined (as the case may be) below, also for ease of identification only.

1. Section 1.2 of the Distribution System Code is amended as follows:

- (a) by deleting the definition of “enhancement” and replacing it with the following:

“enhancement” means a modification to the main distribution system that is made to improve system operating characteristics such as reliability or power quality or to relieve system capacity constraints resulting, for example, from general load growth, but does not include a renewable enabling improvement;

- (b) by deleting the definition of “expansion” and replacing it with the following:

“expansion” means a modification or addition to the main distribution system in response to one or more requests for one or more additional customer connections that otherwise could not be made, for example, by increasing the length of the main distribution system, ~~but in respect of a renewable energy generation facility excludes a renewable enabling improvement;~~ and includes the modifications or additions to the main distribution system identified in section 3.2.30 but in respect of a renewable energy generation facility excludes a renewable enabling improvement;

and

- (c) by adding the following immediately after the definition of “Regulations”:

“renewable enabling improvement” means a modification or addition to the main distribution system identified in section 3.3.2 that is made to enable the main distribution system to accommodate generation from renewable energy generation facilities;

“renewable energy expansion cost cap” means, in relation to a renewable energy generation facility, the dollar amount determined by multiplying the

total name-plate rated capacity of the renewable energy generation facility referred to in section 6.2.9(a) (in MW) by \$90,000, reduced where applicable in accordance with section 3.2.27A;

“renewable energy generation facility” has the meaning given to it in the Act;

“renewable energy source” has the meaning given to it in the Act;

2. Section 3.2 of the Distribution System Code is amended by adding the following immediately after section 3.2.5:

3.2.5A Notwithstanding section 3.2.5 but subject to section 3.2.5B, a distributor shall not charge a generator to construct an expansion to connect a renewable energy generation facility:

- (a) if the expansion is in a Board-approved plan filed with the Board by the distributor pursuant to the deemed condition of the distributor’s licence referred to in paragraph 2 of subsection 70(2.1) of the Act, or is otherwise approved or mandated by the Board; or*
- (b) in any other case, for any costs of the expansion that are at or below the renewable energy generation facility’s renewable energy expansion cost cap.*

For greater clarity, the distributor shall bear all costs of constructing an expansion referred to in (a) and, in the case of (b), shall bear all costs of constructing the expansion that are at or below the renewable energy generation facility’s renewable energy expansion cost cap.

3.2.5B Where an expansion is undertaken in response to a request for the connection of more than one renewable energy generation facility, a distributor shall not charge any of the requesting generators to construct the expansion:

- (a) if the expansion is in a Board-approved plan filed with the Board by the distributor pursuant to the deemed condition of the distributor’s licence referred to in paragraph 2 of subsection 70(2.1) of the Act, or is otherwise approved or mandated by the Board; or*
- (b) in any other case, for any costs of the expansion that are at or below the amount that results from adding the total name-plate rated capacity of each renewable energy generation facility referred to in section 6.2.9(a) (in MW) and then multiplying that number by \$90,000.*

For greater clarity, the distributor shall bear all costs of constructing an expansion referred to in (a) and, in the case of (b), shall bear all costs of constructing the expansion that are at or below the number that results from the calculation referred to in (b).

3.2.5C Where, in accordance with the calculation referred to in section 3.2.5B(b), a capital contribution is payable by the requesting generators, the distributor shall apportion the amount of the capital contribution among the requesting generators on a pro-rata basis based on the total name-plate rated capacity of the renewable energy generation facility referred to in section 6.2.9(a) (in MW).

3. Section 3.2 of the Distribution System Code is amended by adding the following immediately after section 3.2.27:

3.2.27A Notwithstanding section 3.2.27, when the unforecasted customer is a renewable energy generation facility to which section 3.2.5A or 3.2.5B applies and the customer entitled to a rebate under section 3.2.27 is a load customer or a generation customer to which neither section 3.2.5A nor 3.2.5B applies, the initial contributors shall be entitled to a rebate from the distributor in an amount determined in accordance with section 3.2.27. The distributor shall reduce the connecting renewable energy generation facility's renewable energy expansion cost cap by an amount equal to the rebate. If the amount of the rebate exceeds the connecting renewable energy generation facility's renewable energy expansion cost cap, the distributor shall also collect the difference from the connecting renewable energy generation customer.

~~*3.2.27B Notwithstanding section 3.2.27, where the initial contributor was a renewable energy generation facility to which section 3.2.5A or 3.2.5B applies, the renewable energy generation customer shall not be entitled to any rebate from the distributor in the event of the connection of any unforecasted customer(s).*~~

4. Section 3.2 of the Distribution System Code is amended by adding the following immediately after section 3.2.29:

~~*3.2.30 In the case of a generator customer connecting a renewable energy generation facility, an*~~ An expansion of the main distribution system includes:

~~*(a) building a new line to serve the connecting customer renewable energy generation facility;*~~

~~*(b) rebuilding a single-phase line to three-phase to serve the connecting customer renewable energy generation facility;*~~

- (c) rebuilding an existing line with a larger size conductor to serve the connecting customer ~~renewable energy generation facility~~;
- (d) rebuilding or overbuilding an existing line to provide an additional circuit to serve the connecting customer ~~renewable energy generation facility~~;
- (e) converting a lower voltage line to operate at higher voltage;
- (f) replacing a transformer to a larger MVA size;
- (g) upgrading a voltage regulating ~~station~~ transformer or station to a larger MVA size; and
- (h) adding or upgrading capacitor banks to accommodate the connection of the connecting customer ~~renewable energy generation facility~~.

5. Section 3.3 of the Distribution System Code is amended by adding the following immediately after section 3.3.1:

3.3.2 *Renewable enabling improvements to the main distribution system to accommodate the connection of renewable energy generation facilities are limited to the following:*

- (a) modifications to, or the addition of, electrical protection equipment;
- (b) modifications to, or the addition of, voltage regulating ~~equipment~~ transformer controls or station controls;
- (c) the provision of protection against islanding (transfer trip or equivalent);
- (d) bidirectional reclosers;
- (e) tap-changer controls or relays;
- (f) replacing breaker protection relays;
- (g) Supervisory Control and Data Acquisition system design, construction and connection;
- (h) any other modifications or additions to allow for and accommodate 2-way electrical flows or reverse flows; and
- (i) communication systems to facilitate the connection of renewable energy generation facilities.

3.3.3 *Subject to section 3.3.4, the distributor shall bear the cost of constructing an enhancement or making a renewable enabling improvement, and therefore shall not charge:*

- (a) a customer a capital contribution to construct an enhancement; or*
- (b) a customer that is connecting a renewable energy generation facility a capital contribution to make a renewable enabling improvement.*

3.3.4 *Section 3.3.3(a) shall not apply to a distributor until the distributor's rates are set based on a cost of service application for the first time ~~after this section comes into force~~ following the 2010 rate year.*

6. Section B.1 of Appendix B of the Distribution System Code is amended by adding the following immediately after paragraph (d) under the heading "Capital Costs":

- (d.1) paragraph (d) shall cease to apply to a distributor as of the date on which the distributor's rates are set based on a cost of service application for the first time ~~after this section comes into force~~ following the 2010 rate year.*

Attachment B

**Comparison Version of the Final Amendments to the Distribution System Code
Relative to the Distribution System Code Prior to Adoption of the Final
Amendments**

(for information purposes only)

(See attached document)