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February 19, 2008

Dear Ms. Walli et al:  
[The Board, Applicant, OPA,  
IESO and Intervenors]

VIA EMAIL

RE: EB-2007-0050

The following are excerpts and Internet Links from documents I believe to be supportive of my assertions. At the least, they may help make my thoughts on this a little clearer to others involved in this process. This material is from the OEB and the IESO.

Respectfully,  
Chris Aristides Pappas

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<http://www.oeb.gov.on.ca/>

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[Rules, Codes, Guidelines & Forms](#)

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## Regulatory Instruments

### General Regulatory

Title	Description
The OEB Rules of Practice & Procedure	These rules set out general procedures to be followed by parties appearing on matters before the Board. The Board adopted new Rules of Practice and Procedure and Practice Directions for Appeals, effective October 25, 2002. The Rules require compliance with Practice Directions.

**Documents:** [Ontario Energy Board Rules of Practice and Procedure](#)  
[Amendments to Rules 10 and 29.02 \(published Nov 16-06\)](#)  
**Practice Directions:** [Practice Direction on Confidential Filings \(published Nov 16-06\)](#)

**Filing Requirements for Transmission and Distribution Applications** The Board has finalized its review of Filing Requirements for Transmission and Distribution Applications. The document posted here is the reference document for Transmitters and Distributors to use when filing for rate adjustments, for leave to construct approvals, and conservation funding.

**Documents:**

- [Cover Letter for final document](#)
- [Final document - Filing Requirements for Transmission and Distribution Applications Nov 14-06](#)

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**[May 11, 1999](#)**

File Format: PDF/Adobe Acrobat - [View as HTML](#)

The **ABB** Study that was commissioned by Hydro One has determined that sub-synchronous resonance (SSR) issues associated with the installation of series ...

[www.ieso.ca/imoweb/pubs/caa/caa\\_SIAReport\\_2005-200.pdf](http://www.ieso.ca/imoweb/pubs/caa/caa_SIAReport_2005-200.pdf)

**IESO\_REP\_0299**

## **CONNECTION ASSESSMENT & APPROVAL PROCESS**

### **SYSTEM IMPACT ASSESSMENT REPORT**

**For the Proposed Installation of Series Capacitors in the 500kV Circuits  
between the Bruce Complex & Nanticoke GS**

**Applicant: Hydro One Networks Inc.**

**CAA ID No. 2005-200**

**Transmission Assessments & Performance Department**

**FINAL Version**

**Date: 11th April 2006**

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[Ontario Energy Board :: Home Page](#)

Information about **Ontario Energy Board**, contact information, news and FAQs, licences, related links, electricity and gas rates and current initiatives.

[www.oeb.gov.on.ca/](http://www.oeb.gov.on.ca/)

**EXCERPTS FROM:**

**EB-2006-0170**

**Ontario Energy Board  
Filing Requirements for  
Transmission and Distribution Applications  
November 14, 2006**

**Chapter 2 Filing requirements for electricity transmission and distribution companies' cost of service rate applications, based on a forward test year**

**2.0 Preamble**

**Framework**

The Ontario Energy Board regulates the electricity transmission and distribution companies using a combination of an annual incentive rate mechanism and a rebasing mechanism. Rebased rates will be set using forecast test year data.

**Notwithstanding the above structure, an application to the Board is an application by the regulated company, and not merely a form filling exercise where the view is to provide minimum data.** The structured approach in a rebasing filing facilitates reviewing the applications. However, the material presented is the applicant's case and the onus is on the applicant to prove the need for new rates. Therefore, a clearly written application that advocates the need for new rates, complete with sufficient evidence and justification, is essential to facilitate a timely decision, for example, by keeping the interrogatories to a minimum.

**While it would be convenient to not file material that it is already on file with the Board, in procedural law, the examination and decision of an application is based solely on the evidence filed in that case. This ensures that all parties to the proceeding have an opportunity to see the evidence and follow the reasons of the Decision. Consequently, all the Filing Requirements must be met by the applicant.**

**Some information, however, may be of a confidential nature. The Board has developed a Practice Direction on Confidential Filings, EB-2006-0084. These Directions should be followed when applying to the Board and required information is confidential.**

For the distributors, recognizing that rebasing may occur every three years, a distributor may consider applying for deferral accounts for capital works during the non-rebasing years to collect the cost of construction.

**Process**

Notwithstanding a structured approach and standard evidentiary guidelines, the Board recognizes that an important aspect of any case is the uniqueness of the transmitter or distributor and the circumstances surrounding its operation. Generic load profiles and universal normalization methods may not reflect the unique customer mix, weather, and economies of each utility's market.

## **Chapter 4 Filing requirements for electricity transmission projects under Section 92 of the OEB Act**

### **4.1 Introduction**

This document outlines the filing requirements for applicants under section 92 of the Act, which requires leave of the Board for the construction, expansion, or reinforcement of electricity transmission lines greater than 2 kilometres in length.

**The filing requirements set out in this document are not intended to limit applicants in terms of what information they may want to present. Nor do these filing requirements limit the discretion of the Board in terms of what information and evidence it may wish to see.**

**The Board's role is to ensure that these transmission investments are in the public interest. Subsection 96(2) specifies that, for section 92 purposes, "the Board shall only consider the interests of consumers with respect to prices and the reliability and quality of electricity service."**

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**For a project that was granted leave under section 92 of the Act, and if subsequently or concurrently other approvals such as the Environmental Assessment (EA)**

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**approval materially alter or affect the specific routing of a transmission line, the original application and the Board order stemming from it would no longer be valid.**

**Transmitters and distributors applying for connection projects must also include additional requirements as set out in the TSC in their submissions to the Board.**

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### **4.3 Filing Requirements for Projects under Section 92**

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#### **4.3.8 System Impact Assessment**

The IESO Connection Assessment and Approval process identifies the detailed procedures to be followed by applicants who wish to connect or modify a connection to the IESO-administered grid. **The IESO evaluates the design of the project and its impact on integrated power system reliability, and identifies any transmission facility enhancements required. IESO requirements must be fulfilled in addition to those listed here.**

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## **Chapter 5 Prior to the approval of an Integrated Power System Plan: Filing requirements for the approval of a**

## capital budget for a transmission project in a rate application or for the approval of projects under section 92 of the OEB Act

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### 5.3 Project Justification

**Project justification delineates the responsibilities and necessary evidentiary components required for the project review. The responsibility for the provision of all evidence for the entire case rests with the Applicant.**

#### 5.3.1 Evidence in Support of Need

**The Applicant's evidence in support of the need for the project is required and can be supported by evidence of the IESO and/or the Ontario Power Authority:**

- where a proposed project is best compared to other viable transmission alternatives, including "doing nothing"; and
- where the Applicant lists benefits of avoiding non-transmission alternatives such as a peaking generation facility or a "must run" generation requirement, it is helpful for the Applicant to include corroborative evidence from the IESO or the OPA regarding the Applicant's quantitative evaluation of such a benefit. In any event, this evidence is required to support the need for the project.

**It is therefore expected that the applicant will provide a list identifying the key driving factors of the evidence justifying the project need, and the party (e.g. the applicant, the IESO, or the OPA) which has prepared the evidence to justify a given key driving factor.**

In some cases, the need for a discretionary or non-discretionary project is driven by factors external to the Applicant, such as the need to satisfy an IESO requirement or to serve an incremental customer load. **The factors driving the project must be identified, but the burden remains on the Applicant to support the claim of need. If the Applicant identifies a customer or agency as the driver behind a project, it is the Applicant's responsibility to include evidence from that customer or agency as part of the evidence on the application. The Board expects the Applicant to work with that external party in the development of the required evidence. In many cases the external party will be the IESO and/or the OPA, although the additional evidentiary requirement would apply to any external party on whom the Applicant has relied for the justification of the need for the project. The evidence will likely consist of written material prepared by the customer or agency specifically addressing the proposed**

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**project, and the customer or agency must be prepared to provide witnesses to support the filed evidence if an oral hearing is held. It is not sufficient for the applicant to state that the customer or agency has established the need for the project; the Board must be able to test that assertion.**

#### 5.3.2 Options and Cost Benefit Analyses

**In addition to the evidence regarding the need for the project, the Applicant must address how it proposes to accomplish the project including the identification of relevant options. This section outlines the required evidence for that aspect of the application. The basic form for such evidence should be cost benefit analyses of various options. The Board expects that Applicants will present a preferred option (i.e., the proposed**

project) and alternative options. **It should be recognized, however, that the Board will either approve or not approve the proposed project (i.e. the preferred option). It will not choose a solution from among the alternative options.** The Applicant should present the smallest number of alternatives consistent with conveying to the Board the major solution concepts available to meet the same objectives that the preferred option meets. **The applicant is expected to also compare the alternatives versus the preferred option along various risk factors including, but not limited to, financial risk to the applicant, inherent technical risks, estimation accuracy risks, and any other critical risk that may impact the business case supporting the proposed project.**

**For connection projects, in addition to the cost benefit analysis, the Applicant must supply specific information on the nature and magnitude of the network impacts. In the case of a non-discretionary project, the preferred option should establish that it is a better project than the alternatives.** The Applicant need not include “doing nothing” as an alternative since this alternative would not meet the need. One way for an Applicant to demonstrate that a preferred option is the best option is to show that it has the highest net present value as compared to the other viable alternatives. However, this net present value need not be shown to be greater than zero. In the case of an internally set project, “doing nothing” would count as a viable option.

**If the proposed project or alternatives are expected to have significant qualitative benefits that cannot reasonably be quantified, evidence about these qualitative benefits should be provided. These benefits may be taken into account in ranking the projects. Incorporating qualitative criteria may result in a different ranking of projects compared to the ranking based on quantitative benefits and costs alone.**

### 5.3.5 Transmission Rate Impact Assessment

The Board requires information relating to the rate impacts anticipated from transmission investments. **Information should cover the short-term impacts as well as long-term impacts of the proposed project.**

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#### PRACTICE DIRECTION ON CONFIDENTIALITY

procedures for the **filing** of **confidential** materials in relation to all proceedings that come before the **Ontario Energy Board**. This **Practice Direction** is ...

[www.oeb.gov.on.ca/documents/practice\\_direction-confidentiality\\_161106.pdf](http://www.oeb.gov.on.ca/documents/practice_direction-confidentiality_161106.pdf)

## ONTARIO ENERGY BOARD

### PRACTICE DIRECTION ON CONFIDENTIAL FILINGS

#### 1. INTRODUCTION AND PURPOSE

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**The Board’s general policy is that all records should be open for inspection by any person. This reflects the Board’s view that its proceedings should be open, transparent, and accessible.** The Board therefore generally places materials it receives in the course of the exercise of its authority under the Ontario Energy Board Act, 1998 and other legislation on the public record **so that all interested parties can have equal access to those materials. That being said, the Board relies on full and complete disclosure of all relevant**

**information in order to ensure that its decisions are well-informed, and recognizes that some of that information may be of a confidential nature and should be protected as such.....**

**This Practice Direction seeks to strike a balance between the objectives of transparency and openness and the need to protect information that has been properly designated as confidential. The approach that underlies this Practice Direction is that the placing of materials on the public record is the rule, and confidentiality is the exception. The onus is on the person requesting confidentiality to demonstrate to the satisfaction of the Board that confidential treatment is warranted in any given case.**

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[CanLII - Consolidated Statutes of Ontario - S.O. 1998, c. 15, Sch. ...](#)

**Ontario Energy Board Act, 1998, S.O. 1998, c. 15, Sch. B ... 541/05.**

**PAYMENTS TO THE FINANCIAL CORPORATION RE SECTION 78.2 OF THE ACT, O. Reg. 427/04 ...**

[www.canlii.org/on/laws/sta/1998c.15sch.b/index.html](http://www.canlii.org/on/laws/sta/1998c.15sch.b/index.html)

<http://www.canlii.org/on/laws/sta/1998c.15sch.b/20080115/whole.html>

**Ontario Energy Board Act, 1998**

**S.O. 1998, CHAPTER 15**

**Schedule B**

**PART I**

**GENERAL**

**Board objectives, electricity**

1. (1) The Board, in carrying out its responsibilities under this or any other Act in relation to electricity, shall be guided by the following objectives:

1. To protect the interests of consumers with respect to prices and the adequacy, reliability and quality of electricity service.

2. To promote economic efficiency and cost effectiveness in the generation, transmission, distribution, sale and demand management of electricity and to facilitate the maintenance of a financially viable electricity industry.

2004, c. 23, Sched. B, s. 1.

**Facilitation of integrated power system plans**

(2) In exercising its powers and performing its duties under this or any other Act in relation to electricity, the Board shall facilitate the implementation of all integrated power system plans approved under the Electricity Act,

1998. 2004, c. 23, Sched. B, s. 1.

**Assistance**

14. The Board may appoint persons having technical or special knowledge to assist the Board. 1998, c. 15,

Sched. B, s. 14.

## **Board's powers, general**

### **Power to determine law and fact**

19. (1) The Board has in all matters within its jurisdiction authority to hear and determine all questions of law and of fact. 1998, c. 15, Sched. B, s. 19 (1).

### **Order**

(2) The Board shall make any determination in a proceeding by order. 1998, c. 15, Sched. B, s. 19 (2); 2001, c. 9, Sched. F, s. 2 (1).

## **Board's powers, miscellaneous**

21. (1) The Board may at any time on its own motion and without a hearing give directions or require the preparation of evidence incidental to the exercise of the powers conferred upon the Board by this or any other Act. 1998, c. 15, Sched. B, s. 21 (1).

### **Interim orders**

(7) The Board may make interim orders pending the final disposition of a matter before it. 1998, c. 15, Sched. B, s. 21 (7).

## **PART V**

### **REGULATION OF ELECTRICITY**

#### **Definitions, Part V**

56. In this Part, "ancillary services" means services necessary to maintain the reliability of the IESO-controlled grid, including frequency control, voltage control, reactive power and operating reserve services; ("services accessories")

#### **Leave to construct, etc., electricity transmission or distribution line**

92. (1) No person shall construct, expand or reinforce an electricity transmission line or an electricity distribution line or make an interconnection without first obtaining from the Board an order granting leave to construct, expand or reinforce such line or interconnection. 1998, c. 15, Sched. B, s. 92 (1).

#### **Order allowing work to be carried out**

96. (1) If, after considering an application under section 90, 91 or 92 the Board is of the opinion that the construction, expansion or reinforcement of the proposed work is in the public interest, it shall make an order granting leave to carry out the work. 1998, c. 15, Sched. B, s. 96.

#### **Applications under s. 92**

(2) In an application under section 92, the Board shall only consider the interests of consumers with respect to prices and the reliability and quality of electricity service when, under subsection (1), it considers whether the construction, expansion or reinforcement of the electricity transmission line or electricity distribution line, or the making of the interconnection, is in the public



interest. 2003, c. 3, s. 66.

### **Confidentiality**

111.

#### **Same**

(2) If any document, record or information obtained by an inspector under section 107 or 108 is admitted in evidence in a proceeding under this Act or any other Act that gives powers or duties to the Board, the Board may rule on whether the document, record or information is to be kept confidential. 2003, c. 3, s. 74.

### **Offences**

126. (1) A person is guilty of an offence who,  
(b) knowingly furnishes false or misleading information in any application, statement or return made under this Act or in any circumstances where information is required or authorized to be provided under this Act;