



EB-2006-0216

IN THE MATTER OF the *Ontario Energy Board Act, 1998*,
S.O. 1998, c. 15, Schedule B;

AND IN THE MATTER OF an application pursuant to
section 74 of the *Ontario Energy Board Act, 1998* by Horizon
Utilities Corporation to amend its Electricity Distribution
Licence ED-2006-0031.

By delegation, before: Mark C. Garner

DECISION AND ORDER

Horizon Utilities Corporation ("Horizon") filed an application with the Ontario Energy Board (the "Board") under section 74 of the *Ontario Energy Board Act 1998*, (the "Act") for an order of the Board to amend its licensed service area in Schedule 1 of its distribution licence ED-2006-0031. The application was received by the Board on September 12, 2006.

This service area amendment is required in order for Horizon to supply electricity to the Summit Park Phase Three development project, which is currently located within Hydro One Networks Inc.'s ("Hydro One") licensed service area. These lands are described as:

The former Township of Binbrook in the former Township of Glanbrook as of December 31, 1973, now in the City of Hamilton and described as Part of Township Lot Seven (7), Block Five (5) in the First Concession of the Geographic Township of Binbrook and known as Summit Park Phase 3, on Plan 62M except for the following addresses (which are excluded);

- 70 Fletcher Road East, Hannon, Ontario, L0R 1P0
- 80 Fletcher Road East, Hannon, Ontario, L0R 1P0

The service area amendment is granted.

Background

Pursuant to subsection 6(1) of the Act, I have been delegated the powers and duties of the Board with respect to the determination of applications made under section 74 of the Act. This order is made under the authority of that delegation and is based on the evidence filed in support of the application and the submissions of interested parties.

Horizon applied for a service area amendment for the purpose of supplying electricity to a proposed residential development known as Summit Park Phase Three. This development is the third phase of the development project. Phase Three consists of forty-nine (49) residential homes. Once all phases are completed, the development will consist of thirty-two hundred (3,200) residential homes and commercial properties. The project is being developed by Multi-Area Developments Inc.

Hydro One supported this service area amendment application. In its letter of support, Hydro One stated that Horizon has an existing distribution system already constructed in Summit Park Phases One and Two (which is contiguous with Phase Three). Hydro One also stated that there are two Hydro One customers on the western boundary but they are not embedded as Hydro One continues to service the area further west and therefore continues to service these two customers.

Horizon served notice of this application to Hydro One, Multi-Area Developments Inc., Power Workers' Union and the two Hydro One customers on the western boundary of the proposed service area amendment. Hydro One was the only party to request intervenor status. Hydro One's submission on November 1, 2006 reiterated its support for Horizon's application, as originally stated in Hydro One's September 7, 2006 letter.

Licensed Service Area

Horizon already serves Phases One and Two of the Summit Park Development. Phase Three is contiguous with the earlier phases and Horizon has demonstrated that it has adequate distribution infrastructure in the area to provide service for this phase of the development. Horizon stated that it offered its customer, Multi-Area Developments Inc., a lower cost of connection than Hydro One. Also, Horizon stated that it has an existing distribution system already constructed in Phase One and Phase Two. As a result, Multi-Area Developments did not approach Hydro One for an offer to connect Phase Three.

There are no existing customers of Hydro One in the proposed amendment area. Horizon has stated that the revised service area proposal results in no stranded assets or embedded customers of Hydro One.

Since there are no objections to allowing the proposed service area amendment and since the proposed amendment is consistent with the Board's policies regarding service area amendments, I find that it is in the public interest to amend Horizon's electricity distribution

licence as proposed by Horizon.

IT IS ORDERED THAT:

Horizon Utilities Corporation's Distribution Licence (ED-2006-0031) is amended as per Appendix A, which is attached to this Decision and Order.

Under section 7(1) of the *Ontario Energy Board Act, 1998*, this decision may be appealed to the Board within 15 days.

DATED at Toronto, November 23, 2006

ONTARIO ENERGY BOARD

Original signed by

Mark C. Garner
Managing Director
Market Operations

Appendix A

AMENDED SCHEDULE 1: DEFINITION OF DISTRIBUTION SERVICE AREA

SCHEDULE 1 DEFINITION OF DISTRIBUTION SERVICE AREA

This Schedule specifies the area in which the Licensee is authorized to distribute and sell electricity in accordance with condition 8.1 of this Licence.

1. The former Police Village of Ancaster in the former Town of Ancaster as of December 31, 1973, now in the City of Hamilton and described as:
 - NW corner of Concession 1, Lot 42 and Old Railway Line
 - Directly NNE to middle of Concession I, Lot 46
 - North to Dundas boundary, along boundary NE to Hamilton boundary, along Dundas/Hamilton boundary
 - SW across Filman Road to include 1245 Filman, travel SW parallel with Hwy 2 to the escarpment
 - S along escarpment (include Ancaster heights survey)
 - S to W border of Concession II, Lot 49 to Railway Right of Way (behind Mohawk Road)
 - SW to Cayuga Drive, W to Railway Right of Way
 - West along Right of Way to far west boundary of Concession III, Lot 47
 - South between Lot 46 and 47 to include 38 Chancery Drive West
 - West, parallel with Golf Links Road to back lot of 23 Cameron Drive in Concession III, Lot 44
 - Follow back of Cameron Drive back lot to 35 Cameron, go south parallel to end of 209 Rosemary Drive, East to the back of 206 Rosemary Drive
 - North along back lots to 104 Rosemary, East to back lot of 103 Rosemary
 - North along back lots of St. Margarets Road to Hwy 2
 - Direct line SW, crossing over Fiddlers Green to middle of Concession III, Lot 41 North back lot of Rembrandt Court to Jerseyville Road W
 - SW along Jersey ville through back lots of Blair, Terrence Park and Oakhill to back lot lien of 211/220 Colleen Crescent
 - NE to division of back lot along border of Concession III, Lots 41 & 42

- SW along border to lot line of 145 Terrence Park, across Terrence Park to include back lots of 51 and 55
 - SE over Terrence Park between houses 94 and 90
 - N along the rear lots of Terrence Park and McGregor Crescent
 - NE between houses 69 & 65 McGregor, across McGregor between houses 74 and 62
 - Continue rear lots East between houses 54 and 50 McGregor
 - North in direct line to Sulphur Springs Road
 - West 100 metres, directly NW to Concession II, Lot 42 to Old Railway Line
2. The former Town of Dundas as of December 31, 1980, now in the City of Hamilton.
 3. The former Police Village of Lynden in the former Town of Ancaster as of December 31, 1973, now in the City of Hamilton.
 4. The former Village of Waterdown in the former Township of Flamborough as of December 31, 1980, now in the City of Hamilton.
 5. The expansion area as set out in By-law No. 96-17-H in the former Township of Flamborough as of December 31, 1980, now in the City of Hamilton and defined as :

East Boundary: Concession 3 East – Centreline of Kerns Road extending north along east boundary of 60' Interprovincial Pipeline easement continuing north along boundary line between Town of Flamborough and City of Burlington.

North Boundary: Concession 5 East – Centreline of the 50' wide Sun Canadian Pipeline Company easement – extending across Hwy. No. 6, along boundary line between properties 25.50.200.430.56400 and 25.30.200.430.56800/ 25.30.200.430.56600.

West Boundary: Boundary line between Lots 19 and 20 on Concession 1, Concession 2, Concession 3, and Concession 4 proceeding northerly to north boundary as described above.

South Boundary: Flamborough/Burlington/Dundas boundaries where the electrical distribution systems of Ontario Hydro and Burlington Hydro are already separated.

Includes to the East: The boundaries of the Town of Lynden as defined in 1. above.
 6. The City of Hamilton as of December 31, 2000.

7. The former City of Stoney Creek as of December 31, 2000, now in the City of Hamilton.
8. Plan 62 R-15706, Part of Lot 3, Block 1, Concession 1, former Geographic Township of Binbrook, in the former Township of Glanbrook, now in the City of Hamilton, comprising Part 1 to Part 11 inclusive.
9. Land located "in the former Township of Binbrook, in the former Township of Glanbrook, as of December 31, 1973, now in the City of Hamilton and described as Block 1, Block 2 and Street 'A' part of a plan of "The Brooks of Rymal/20 Phase 1", being a subdivision of Part of Lots 1 and 2 - Block 4, Concession 1".
10. The former Township of Binbrook in the former Township of Glanbrook as of December 31, 1973, now in the City of Hamilton and described as Part of Township Lots Six (6) and Seven (7), Block Five (5) in the First Concession of the Geographic Township of Binbrook and known as Summit Park Phase 1 on Plan 62M. These lands are bounded to the north by Rymal Road east, to the east by Fletcher Road, to the west by Dakota Boulevard and to the south by a Hydro One Networks Inc. high voltage transmission line right of way.
11. The former Township of Binbrook in the former Township of Glanbrook as of December 31, 1973, now in the City of Hamilton and described as Part of Township Lots Six (6) and Seven (7), Block Five (5) in the First Concession of the Geographic Township of Binbrook and known as Summit Park Phase 2, on Plan 62M except for the following addresses (which are excluded):
 - 1898 Rymal Road East, RR # 1, Hannon, Ontario, L0R 1P0
 - 1912 Rymal Road East, RR # 1, Hannon, Ontario, L0R 1P0
 - 1900 Rymal Road East, RR # 1, Hannon, Ontario, L0R 1P0
 - 1910 Rymal Road East, RR # 1, Hannon, Ontario, L0R 1P0
12. The City of St. Catharines as at December 31, 1990.
13. The former Township of Binbrook in the former Township of Glanbrook as of December 31, 1973, now in the City of Hamilton and described as Part of Township Lot Seven (7), Block Five (5) in the First Concession of the Geographic Township of Binbrook and known as Summit Park Phase 3, on Plan 62M except for the following addresses (which are excluded):
 - 70 Fletcher Road East, Hannon, Ontario, L0R 1P0
 - 80 Fletcher Road East, Hannon, Ontario, L0R 1P0

