



**EB-2009-0402**

**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 86(1)(b) of the *Ontario Energy Board Act*,  
1998 by Hydro One Networks Inc. seeking an order  
granting leave to sell distribution system assets to Bell  
Aliant.

By delegation, before: Jennifer Lea

## **DECISION AND ORDER**

### **THE APPLICATION**

Hydro One Networks Inc. ("Hydro One") filed an application with the Ontario Energy Board on November 17, 2009 under section 86(1)(b) of the *Ontario Energy Board Act*, 1998, for an order granting Hydro One leave to sell certain distribution system assets to Bell Aliant.

The Board assigned file number EB-2009-0402 to the application. The assets that are the subject of the proposed transaction are 10 poles located on Veteran's Drive off of Frog's Creek Road in Couchiching Indian Reserve 16A.

### **FINDINGS**

Hydro One requested, with Bell Aliant's consent, that the Board dispose of this matter without a hearing under section 21(4)(b) of the Act. I find, based on the evidence filed in the application, that no other person will be adversely affected in a material way by the outcome of this proceeding. I have therefore disposed of this matter without a hearing.

Section 86(1)(b) of the Act provides that leave of the Board is required before a transmitter or a distributor can “sell, lease or otherwise dispose of that part of its transmission or distribution system that is necessary in serving the public.” The assets that are the subject of this transaction are necessary in serving the public.

The sale is for the purposes of correcting an error made by the developer when the original line connecting the poles was built. Ownership was transferred to Hydro One instead the correct owner, Bell Aliant. The applicant states that the assets proposed to be sold from Hydro One to Bell Aliant exclusively serve and will continue to serve Hydro One customers. After the proposed transaction Bell Aliant will own the assets instead of the utility, but there will be no change in supply. The applicant states that the transaction will not adversely affect the safety, reliability, quality of service or operational flexibility for customers and that there are no environmental issues associated with the transaction. The proposed transfer will not impact distribution or transmission rates of the applicant.

The sale of the assets is a transfer of pole ownership only. The assets will be sold for a nominal \$1 consideration.

Based on the evidence, I find that there are benefits to the proposed transaction, and no negative consequences have been identified. It is therefore in the public interest to grant Hydro One leave to sell the assets described below to Bell Aliant.

**IT IS ORDERED THAT:**

1. Hydro One Networks Inc. is granted leave to sell to Bell Aliant 10 poles located on Veteran's Drive off of Frog's Creek Road in Couchiching Indian Reserve 16A.

**ISSUED** at Toronto, February 5, 2010

ONTARIO ENERGY BOARD

*Original signed by*

Jennifer Lea  
Counsel, Special Projects