



EB-2004-0495

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 E.L.K.
Energy Inc. to amend its Distribution Licence Number ED-
2003-0015.

By delegation, before: Mark C. Garner

DECISION AND ORDER

On November 5, 2004, E.L.K. Energy Inc. filed an application with the Ontario Energy Board pursuant to section 74 of the Ontario Energy Board Act, 1998. In its application, E.L.K. sought an Order of the Board to amend Schedule 1 of its Distribution Licence to include service to a new waste treatment facility (the facility) which is located within the licensed distribution service area of Hydro One Networks Inc. (Hydro One) and is adjacent to the western boundary of E.L.K.'s service area..

The Application

E.L.K. has filed an application to amend its licensed service area to include the land described as "Plan 12R-311, Parts 1 through 6. Specifically in the Town of Essex (formerly Township of Colchester North), in the County of Essex, being part of Lots 17 and 18, Concession 13".

This land is located in Hydro One's licensed service area. E.L.K. has a distribution line adjacent to the property and has provided evidence that the customer can be more economically served by E.L.K., than Hydro One.

As part of its application, E.L.K., filed letters of support from Hydro One dated November 23, 2004 and the Town of Essex dated November 22, 2004 to proceed with the proposed service area amendment. In the letter dated November 23, 2004, Hydro One stated that it would be more economically efficient for E.L.K. to serve the customer.

Approved Licensed Service Area

Pursuant to subsection 6(1) of the Ontario Energy Board Act, 1998, I have been delegated the powers and duties of the Board with respect to the determination of applications made under section 74 of that Act. This Order is made under the authority of that delegation and is based on the facts provided by E.L.K.

The facts in this application indicate that the facility is the only customer in the proposed amendment area. E.L.K., Hydro One and the customer are in agreement with the proposal to amend E.L.K.'s licence to include the lands described above.

This amendment is consistent with the principles established for service area amendments as outlined in the Board Decision RP-2003-0044 dated February 27, 2004. In particular, the application involves an area contiguous to the service area of the applicant, and evidence indicates that approval of the service area amendment will result in the most economically efficient connection of the customer. I find that the distribution licence of E.L.K. should be amended so as to include in its service area the property described as "Plan 12R-311, Parts 1 through 6. Specifically in the Town of Essex (formerly Township of Colchester North), in the County of Essex, being part of Lots 17 and 18, Concession 13".

IT IS THEREFORE ORDERED THAT:

1. Schedule 1 of E.L.K. Energy Inc.'s Distribution Licence (ED-2003-0015) be amended to include the area designated below: [\[12NGR-1:1\]](#).

Plan 12R-311, Parts 1 through 6. Specifically in the Town of Essex (formerly Township of Colchester North), in the County of Essex, being part of Lots 17 and 18, Concession 13".

DATED at Toronto, January 5, 2005.

ONTARIO ENERGY BOARD

Mark C. Garner
Managing Director, Market Operations