

March 18, 2010

Kirsten Walli
Board Secretary
Ontario Energy Board
P.O. Box 2319, 27th Floor
2300 Yonge Street
Toronto ON M4P 1E4

Dear Ms. Walli:

Re: EB-2010 - 0038: Notice of Proposal to Amend the Distribution System Code.

Electrical Contractors Association of Ontario (ECAO) Request for Cost Eligibility.

As counsel to ECAO in this matter, we write pursuant to the Board's March 10, 2010 Notice of Proposal herein to request that ECAO be determined eligible for recovery of its reasonably incurred costs of participation in this process. ECAO seeks cost eligibility pursuant to Rules 3.03(b) and/or 3.04 of the Board's *Practice Direction on Cost Awards*, as a party representing a public interest relevant to the Board's mandate.

ECAO is a not-for-profit corporation established to represent electrical contractors across Ontario. ECAO's 850 member contractors provide a broad range of electrical services in the institutional, commercial, industrial, residential and electrical utility construction and maintenance marketplace. The services provided include: the planning, siting, construction and maintenance of power lines, poles and transformers; the construction and maintenance of substations; the construction and maintenance of power generation equipment and facilities (powerhouses and all related inside and interconnection wiring); and the construction and maintenance of interconnection facilities.

ECAO has a direct interest in the regulation of electrical transmission, distribution and related interconnection facilities. ECAO's members have done extensive work constructing connection facilities for Ontario's privately developed electricity generation facilities, and in particular for the wind powered electricity generation facilities built and connected in Ontario over the past several years.

ECAO's members and their customers are directly affected by the formulation and proper application of the alternative bid provisions included in the Board's *Distribution System Code (DSC)*. Further, ECAO has a unique ability to contribute to the Board's deliberations regarding proposed *DSC* amendments by drawing on the extensive experience of its members over the past several years in working with generation developers and utilities under the code's alternative bid provisions. ECAO has been engaged in a number of recent instances which have highlighted an inconsistency in the application of the *DSC*'s alternative bid provisions, and welcomes the opportunity to provide the Board with its perspective on how those provisions are best clarified to facilitate intended and consistent application.

Yours truly,
MACLEOD DIXON LLP



Ian A. Mondrow

c. Eryl Roberts, ECAO

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