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File 10329

April 22, 2010

Ms. Kirsten Walli  
Board Secretary  
Ontario Energy Board  
P.O. Box 2319  
2300 Yonge Street, 27<sup>th</sup> Floor  
Toronto, Ontario M4P 1E4

Dear Ms. Walli

**Re: Transmission System Code Proposed Amendments to Change the  
Definition of "Supporting Guarantee" (EB-2010-0058)**

The Power Workers' Union ("PWU") represents a large portion of the employees working in Ontario's electricity industry. Attached please find a list of PWU employers.

The PWU is committed to participating in regulatory consultations and proceedings to contribute to the development of regulatory direction and policy that ensures ongoing service quality, reliability and safety at a reasonable price for Ontario customers. To this end, please find the PWU's comments on the Proposed Amendments to the Transmission System Code regarding the inconsistency of the definition of "Supporting Guarantee" in the Transmission System Code with that in the Utility Work Protection Code (EB-2010-0058).

We hope you will find the PWU's comments useful.

Yours very truly,

PALIARE ROLAND ROSENBERG ROTHSTEIN LLP

*Original signed by*  
Richard P. Stephenson  
RPS:jr  
encl.

cc: John Sprackett  
Judy Kwik

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## **List of PWU Employers**

Algoma Power  
AMEC Nuclear Safety Solutions  
Atomic Energy of Canada Limited (Chalk River Laboratories)  
BPC District Energy Investments Limited Partnership  
Brant County Power Incorporated  
Brighton Beach Power Limited  
Brookfield Power – Lake Superior Power  
Brookfield Power – Mississagi Power Trust  
Bruce Power Inc.  
Capital Power Corporation Calstock Power Plant  
Capital Power Corporation Kapuskasing Power Plant  
Capital Power Corporation Nipigon Power Plant  
Capital Power Corporation Tunis Power Plant  
Coor Nuclear Services  
Corporation of the City of Dryden – Dryden Municipal Telephone  
Corporation of the County of Brant, The  
Coulter Water Meter Service Inc.  
CRU Solutions Inc.  
Ecaliber (Canada)  
Electrical Safety Authority  
Erie Thames Services and Powerlines  
ES Fox  
Great Lakes Power Limited  
Grimsby Power Incorporated  
Halton Hills Hydro Inc.  
Hydro One Inc.  
Independent Electricity System Operator  
Inergi LP  
Infrastructure Health and Safety Association  
Innisfil Hydro Distribution Systems Limited  
Kenora Hydro Electric Corporation Ltd.  
Kincardine Cable TV Ltd.  
Kinectrics Inc.  
Kitchener-Wilmot Hydro Inc.  
London Hydro Corporation  
Middlesex Power Distribution Corporation  
Milton Hydro Distribution Inc.  
New Horizon System Solutions  
Newmarket Hydro Ltd.  
Norfolk Power Distribution Inc.  
Nuclear Waste Management Organization  
Ontario Power Generation Inc.  
Orangeville Hydro Limited  
Portlands Energy Centre  
PowerStream  
PUC Services  
Sioux Lookout Hydro Inc.  
Sodexo Canada Ltd.  
TransAlta Generation Partnership O.H.S.C.  
Vertex Customer Management (Canada) Limited  
Whitby Hydro Energy Services Corporation

## **Transmission System Code Proposed Amendments to Change the Definition of “Supporting Guarantee”**

### **Comments of the Power Workers’ Union (“PWU”)**

#### **1. INTRODUCTION**

On April 15, 2010, the Ontario Energy Board (“OEB” or the “Board”) issued a Notice of Proposal to Amend the Transmission System Code (“TSC”) the intent of which is to better align the definition of “Supporting Guarantee” in the TSC with the definition of the same term as used in the Utility Work Protection Code (“UWPC”) and other documentation pertaining to worker safety when work is effected on or near electrical transmission systems.

The current definition of the term in Appendices 1A (Form of Connection Agreement for Load Customers) and 1B (Form of Connection Agreement for Generator Customers) of the TSC is as follows:

**“Supporting Guarantee” means operating instructions, such as instructions to open or close a switch or to lock devices in the open position, given to protect the safety of staff and the public while work is being performed by a Party**

In contrast, the definition of the term in the UWPC is as follows:

**A “Supporting Guarantee” is a guarantee issued in support of a Work Permit(s) and/or another Supporting Guarantee(s)...It certifies that an isolated or isolated and de-energized condition exists at points under the control of the issuer of the Supporting Guarantee.**

## **2. BACKGROUND**

In a letter to the Board dated February 26, 2010 Hydro One Networks Inc. (“Hydro One”) identified concerns regarding the adequacy of the definition of the term “Supporting Guarantee”, pertaining to the isolation of power system equipment for the purpose of ensuring a safe work environment, as it appears in the standard Connection Agreements that form part of the TSC. In the letter, Hydro One noted that the definition in the TSC is not consistent with the definition of the term in the UWPC. Hydro One also noted that the UWPC is referred to in the Electrical Utility Safety Rules that apply to work performed on or near electricity transmission or distribution systems in accordance with O. Reg. 213/91 (Electrical Hazards) made under the Occupational Health and Safety Act.

More specifically, Hydro One noted that while the definition in the TSC requires that there be operating instructions, the UWPC definition requires that the relevant party provide a written guarantee of a particular state or condition. In Hydro One’s view, adoption of the UWPC definition would ensure a safer work environment.

## **3. PROPOSED AMENDMENTS TO THE TSC**

In its April 15, 2010 Notice of Proposal to Amend the TSC, the Board states that it agrees with Hydro One that the definition of “Supporting Guarantee” in the UWPC can provide a safer work environment. Therefore, the Board is proposing to revise the definition of “Supporting Guarantee” in sections 1.1.20 of both Appendix 1A and Appendix 1B of the TSC to align it with the definition in the UWPC. The Board is proposing the following definition:

**“Supporting Guarantee” has the meaning given to it in the “Glossary of Terms” of the “utility work protection code” referred to in the document entitled “Electrical Utility Safety Rules”, published by the Electrical and Utilities Safety Association of Ontario Incorporated and revised January, 2009, as may be amended from time to time;**

#### **4. PWU COMMENTS**

The PWU notes the inconsistency between the definitions of the term “Supporting Guarantee” in the TSC and the UWPC as identified by Hydro One and described above.

The PWU agrees with Hydro One that the definition of the term in the TSC “does not actually guarantee that a device is required to both be isolated and to remain isolated; it only ensures that operating instructions are available and can be utilized to open or close switches or to lock devices in the open position.” Similarly, the PWU concurs with Hydro One that the definition of the term under the UWPC “ensures that a state of isolation (and de-energization) exists for work to proceed under a Work Permit and that it also ensures that the ongoing state of isolation (and de-energization) is under the control of the Issuer of the Supporting Guarantee.”

The PWU, therefore, agrees that the definition of “Supporting Guarantee” in the UWPC will ensure a safer work environment for all concerned, and supports the Board’s proposed amendment.

The Board states that it will direct parties to amend all existing Connection Agreements once the Board has adopted the proposed amendments to the TSC. The PWU’s understanding is that if the proposed amendments are adopted, they will come into force on the date that the final amendments are published on the Board’s website.

The PWU cannot overstate the importance of ensuring the safety of utility workers and the public. Given the safety implications of the proposed amendments, the PWU recommends that the Board give this proposed amendment the highest priority, and that the Board:

- a. expedite the coming into force of the amendments when and if adopted; and

- b. advise all transmitters that, in the interim, they follow the example set by Hydro One in advising their customers that discussions are underway with the Board on this matter, and that, in compliance with the provisions of the Occupational Health and Safety Act, they apply the UWPC definition of “Supporting Guarantee” in their operations.

**All of which is respectfully submitted.**