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November 7, 2007

VIA E-MAIL

Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
27th Floor
2300 Yonge Street
Toronto, Ontario
M4P 1E4

Dear Ms. Walli:

Re: Motion to Review two parts of the Board's Decision and Order in regard to Hydro One's Customer Connection Procedures pursuant to the Transmission System Code (EB-2007-0797)

Pursuant to Procedural Order No. 1 in the above-noted proceeding, enclosed is a summary of the Submissions of Bruce Power L.P.

Yours truly,

GOWLING LAFLEUR HENDERSON LLP



Carlton D. Mathias
CDM/sb

cc: **EB-2007-0797 Interested parties**

Summary of Submissions of Bruce Power L.P. on Hydro One Networks Inc.'s Motion to Review

Introduction

Pursuant to Procedural Order No.1, the Board adopted Bruce Power L.P. (Bruce Power) as an intervenor in this proceeding. By letter filed with the Board on October 16, 2007, Bruce Power indicated its intention to intervene in the hearing of Hydro One's Networks Inc.'s ("Hydro One") motion and by letter dated and filed with the Board on November 6, 2007, Bruce Power advised that it intends to participate in this proceeding. Copies of Bruce Power's letters dated October 16, 2007 and November 6, 2007, respectively, are attached hereto collectively as Appendix "A".

Bruce Power adopts the capitalized defined terms in Procedural Order No. 1 in its submissions herein.

Summary of Submissions of Hydro One Networks Inc.

Bruce Power generally adopts the Summary of Submissions of Hydro One with respect to the request to extend the deadline for filing Hydro One's Motion to Review, the Threshold Question as set out in Procedural Order No.1 and the request for a stay of the implementation and effects of section 3.3 of the Connection Procedures Decision. Bruce Power also makes certain additional submissions as set out below with respect to the Threshold Question and the request for a stay.

The Threshold Question

The Importance of Bruce Power to Ontario's Electricity Supply and the Importance of Hydro One to Bruce Power

Bruce Power generates approximately 24% of Ontario's primary electricity demand. Electricity generated by Bruce Power is therefore critical to the security, reliability and affordability of Ontario's energy supply.

Services provided to Bruce Power under contract with Hydro One are also critical to Bruce Power's continuing ability to transmit its generated electricity to the grid. These contracts provide Bruce Power with comprehensive electrical service, including for example, around-the-

clock availability of emergency service. Emergency service includes qualified staff trained to nuclear standards being available to attend at a job location within one hour of being requested to mobilize. This includes specialized tooling and equipment required to work on high voltage electrical devices.

Bruce Power's service contract with Hydro One can best be described as encompassing three interdependent areas:

(1) The first area is protection and control (P&C) of electrical generation equipment. The safe, reliable operation of large-scale, high-power nuclear generation units requires extensive generator monitoring and control equipment. The equipment is owned and operated by Bruce Power with direct links to equipment owned and operated by Hydro One. Hydro One maintains all Bruce Power P&C equipment.

The reliable operation of this equipment is managed through a comprehensive preventive maintenance and testing program. In Ontario, Hydro One is currently the sole provider of this highly technical service and Hydro One has a comprehensive inventory of parts, which includes equipment that is no longer in production. For Bruce Power, it is simply not possible to replace this Hydro One service at this time as there is no other company with both the comprehensive knowledge of the grid system and knowledge of how connected equipment interacts with the grid. Safe, reliable operation of Bruce Power's nuclear units is dependant on reliable generator and grid operations, which Hydro One is essential in helping achieve.

(2) The second area is maintenance and emergency service of high voltage electrical transformers. High voltage transformers are a key component of the overall electrical system as transformers change the electrical voltage from station generation values to values required to feed the provincial grid. Key transformer parameters are monitored and controlled by the P&C systems. Scheduled preventative maintenance in accordance with manufacturer's specifications is essential to ensure safe reliable power plant operation. Hydro One's extensive resources and knowledge are critical elements to Bruce Power's maintenance work in this area, and in Bruce Power's view, no other vendor has the same comprehensive level of knowledge or ability to have staff located directly on site to respond quickly to urgent requirements.

(3) The third area is electrical meter servicing. The operation and reliability of Bruce Power's metering system has a direct impact on the efficient operation of Bruce Power's generating stations. Hydro One provides an advanced level of meter service including 24/7 live monitoring with built-in alarm functions to ensure all system alarms and components failures are repaired as quickly as possible. Hydro One maintains Bruce Power's "hot spares" at Hydro One's on-site facility to ensure a certified working meter is readily available in the shortest time possible. While alternate MSP vendors do exist, in Bruce Power's estimation, no other vendor is currently sufficiently equipped or is located close enough to its site to provide the level of real-time service Bruce Power requires. Bruce Power would require a long lead time to develop a competitive vendor for its necessary meter services.

The Impact of the Connection Procedures Decision

In mid-September 2007, Bruce Power was advised by Hydro One that it was declining to bid on 2008 maintenance work because of what is now referred to as the Connection Procedures Decision. Bruce Power believes that but for the Connection Procedures Decision, Hydro One would have bid for the work, and Bruce Power is highly alarmed by this occurrence.

For the reasons set out above, it is essential that Hydro One be permitted to continue to service Bruce Power's equipment as, in some instances, it is the only entity able to do so. It is Bruce Power's submission that any prohibition in this regard seriously compromises Bruce Power's interest and the public interest.

Material and Relevant Evidence Was Not Before the Board

While Bruce Power was generally aware of the two applications that were before the Board which resulted in the Connection Procedures Decision, Bruce Power was not a party to nor an intervenor in either of the proceedings. Moreover and most significantly, Bruce Power was not aware that the issues to be decided in the two proceedings could lead (Bruce Power relies on Hydro One's submissions that they cannot) to a Board decision on an interpretation of section 71 of the *OEB Act* such as set out in section 3.3 of the Connection Procedures Decision and which severely negatively affects Bruce Power. Had Bruce Power been aware that the Board would

consider making the decision the Board has made in section 3.3 of the Connection Procedures Decision, Bruce Power would have sought to be a party or intervenor to the particular proceedings. Bruce Power would have sought to submit comprehensive evidence on the impact of such a decision on both Bruce Power and the public interest, a brief summary of which is set out further above, and Bruce Power would have made vigorous submissions for the Board's full and complete consideration before taking any decision.

Bruce Power's submission is that the facts it speaks of herein and which were not brought to the Board's attention prior to the Connection Procedures Decision are material and relevant to the outcome of that Decision. Bruce Power submits that had such facts in their completeness been considered by the reviewing panel, they would have changed the outcome of the Connection Procedures Decision. Bruce Power submits that for these reasons, the Threshold Question set out in Procedural Order No.1 has been met.

The Request for a Stay

For the reasons set out in the Threshold Question section above namely, the critical importance of Hydro One's services to Bruce Power and the public interest, and the severe adverse impact of a cessation of these services or a prohibition on Bruce Power being able to contract with Hydro One for such services, Bruce Power requests a stay of the implementation and effects of section 3.3 of the Connection Procedures Decision to maintain the safety, integrity, reliability and efficiency of its operations.

All of which is respectfully submitted this 7th day of November, 2007.

- 5 -

BRUCE POWER L.P.

By its counsel

A handwritten signature in black ink, appearing to read "Carl Mathias", written in a cursive style.

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APPENDIX A



October 16, 2007

VIA FAX (416-440-7656) and EMAIL (boardsec@oeb.gov.on.ca)

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

Dear Ms. Walli:

Re: Motion to review two parts of the Board's Decision and Order in regard to Hydro One's Customer Connection Procedures pursuant to the Transmission System Code (EB-2006-0189 and EB-2007-0797)

Bruce Power L.P. (Bruce Power) has reviewed the Board's decision and order dated September 6, 2007 (the "Decision") and the Notice of Motion filed by Hydro One Networks Inc. ("Hydro One") on October 9, 2007 in respect of the Board's Decision.

Hydro One currently provides a number of services under contract to Bruce Power (on a cost plus mark-up basis) which are essential to our ability to deliver electricity into the grid.

At the current time, Hydro One is the only vendor in the province able to offer the full range of services we require.

In the event that Hydro One is precluded from providing these essential maintenance services a significant risk to the operations of Bruce Power would result.

In view of the above and the fact that Bruce Power was not a party to the proceedings leading to the Board's Decision in this matter, it is our submission that full and complete consideration of the impacts of the Board's Decision on third parties is warranted.

Accordingly, we are writing to request that the Board agree to hear the Motion. If the Board so agrees, it would be our intention to apply for intervenor status and, among other things, to support Hydro One's Motion with respect to the following:

- (a) that the Board review Section 3.3 of the Decision in respect of competition for customer-owned connection assets;

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- (b) that the Board determine that Hydro One may continue to enter into and honour service contracts with third parties where those services are ancillary or related to transmission and distribution; and/or
- (c) that the Board order a stay in the implementation and effects of Section 3.3 of the Board's decision until a reasonable period of time after a decision has been rendered in respect of the Motion.

We trust this information is of assistance to the Board. We look forward to the Board's advice with respect to the scheduling of this Motion.

Yours truly,



Brian G. Armstrong, Q.C.
Executive Vice President and General Counsel

c.c. All Participants in these proceedings (via e-mail)

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November 6, 2007

VIA E-MAIL

Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
27th Floor
2300 Yonge Street
Toronto, Ontario
M4P 1E4

Dear Ms. Walli:

Re: Motion to Review two parts of the Board's Decision and Order in regard to Hydro One's Customer Connection Procedures pursuant to the Transmission System Code (EB-2007-0797)

Our firm has been retained to act for Bruce Power L.P. ("Bruce Power") in connection with the above-referenced Motion. We are writing to advise that Bruce Power intends to participate in this proceeding.

Notwithstanding that Bruce Power is specifically identified in Procedural Order No. 1 as an intervenor and its contact details are set out in Appendix B thereto, Bruce Power did not receive a copy of the Notice of Hearing and Procedural Order No. 1, except through indirect sources, which only occurred late yesterday Monday, November 5, 2007.

All documents in this proceeding may be served by email to me at the email address indicated above on behalf of Bruce Power.

Yours truly,

GOWLING LAFLEUR HENDERSON LLP



Carlton D. Mathias
CDM\sb

cc: **EB-2007-0797 Interested parties**
Nabih Mikhail, Project Advisor, Facilities, as requested
Mr. Bill Schnurr, Senior Legal Counsel, Bruce Power Law Division