

**IN THE MATTER OF** the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, (Schedule B);

**AND IN THE MATTER OF** an application under section 60 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, Schedule B for an electricity transmission licence.

**ICCON TRANSMISSION INC. ("ICCON")**

**RESPONSES TO INTERROGATORIES**

March 22, 2011

## BOARD STAFF INTERROGATORY 1

### QUESTION

In section D of its licence application, Icon confirmed the following:

"I understand and acknowledge that, as a licenced electricity transmitter, I will be required, unless otherwise exempted:

- To provide non-discriminatory access to all persons wishing to connect to the transmission system.
- To comply with all licence conditions including the provisions of:
  - The Ontario Energy Board Affiliate Relationships Code for Electricity Distributors and Transmitters
  - The Ontario Energy Board Transmission System Code
  - The Market Rules made under section 32 of the Electricity Act."

Absent an exemption, Icon must comply with the Board's *Affiliate Relationships Code for Electricity Distributors and Transmitters* ("ARC") (among others) effective as of the date on which a transmission licence is issued to it. Please confirm that Icon will satisfy the requirements of the ARC commencing on the date on which it is licensed. If not, please advise if Icon intends to seek an exemption from the ARC.

### RESPONSE

Icon will comply with the requirements of the ARC as of the date it is licenced and does not intend to seek an exemption from any provisions of the ARC. If in the future Icon foresees being unable to comply with any provision the ARC, it will apply to the Board for an exemption at that time.

## **BOARD STAFF INTERROGATORY 2**

### QUESTION

Icon's application indicates that Icon will rely on the personnel of Isolux Ingenieria S.A., an affiliate, for the design and construction of the transmission facilities. Will the same technical resources be employed to address technical matters related to the operation and maintenance of the transmission facilities? If not, please describe Icon's plans.

### RESPONSE

As noted in its application, Isolux is seeking a licence to participate in the Board's Transmission Project Development designation process. At this time Icon has not determined the specific technical resources that it will rely upon to address matters related to the operation and maintenance of any future transmission facilities in Ontario. Icon expects to carry out the operation and maintenance of any such facilities through a combination of internal and external resources. This is an arrangement Isolux Corsan companies have employed in other jurisdictions and, as is demonstrated in the Icon's licence application, Isolux Corsan companies have a proven track record of owning and operating major transmission projects and have substantial resources and expertise available to them to meet these obligations.

### **BOARD STAFF INTERROGATORY 3**

#### **QUESTION**

Icon has provided the financial statements of Isolux Corsan Concesiones, S.A.U. in support of its financial capability as Icon is a newly formed entity for which financial statements have not yet been prepared. In these circumstances, the Board may require a parental guarantee. Please confirm that Icon has reviewed the Board's standard parental guarantee form and would be prepared to have Isolux Corsan Concesiones, S.A.U. provide financial assurance for the Board's costs under the electricity transmission licence should the Board consider such assurance necessary.

#### **RESPONSE**

Icon has reviewed the Board's standard parental guarantee form for electricity transmitters. If the Board requires, Isolux Corsan Concesiones, S.A.U. would be prepared to provide a parental guarantee, explicitly limited as Board staff indicates to, providing financial assurance of the Board's costs under the transmission licence. It is Icon's position that if the Board were to require a parental guarantee, it would not be required after Icon has commenced viable commercial operations in Ontario as a transmission owner and operator.