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**BY E-MAIL**

April 5, 2011

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

Dear Ms. Walli:

**Re: Board Staff Submission  
Electricity Transmission Licence Application  
Iccon Transmission Inc.  
EB-2010-0403**

Please find enclosed Board Staff's submission with respect to Iccon Transmission Inc.'s electricity transmission licence application.

Please forward this submission along with this cover letter to the applicant and all intervenors in this proceeding.

Yours truly,

*Original signed by*

Judith Fernandes  
Case Manager

Attachment



**EB-2011-0403**

**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.

### **BOARD STAFF SUBMISSIONS**

Icon Transmission Inc. ("Icon") filed an application with the Ontario Energy Board (the "Board"), received on December 23, 2010, under section 60 of the *Ontario Energy Board Act, 1998* for an electricity transmission licence. Icon stated that it is making this application in order to participate in any upcoming Board transmitter designation process for new transmission investment in Ontario.

The Board issued a Notice of Application and Hearing on January 17, 2011. Procedural Order No. 1 was issued on February 9, 2011, providing for interrogatories and submissions.

Board staff and Hydro One Networks Inc. filed interrogatories on March 8, 2011 and Icon filed its interrogatory responses on March 22, 2011.

This submission is being provided by Board staff following a review of the application and evidence filed in this proceeding.

### **STAFF SUBMISSION**

The Board Policy Framework for Transmission Project Development Plans [EB-2010-0059] issued on August 26, 2010 contemplates that the Board will evaluate the financial viability and technical capabilities of new entrant transmitters during the licensing

process. In reviewing a licence application, Board staff assesses an applicant's technical capability, financial viability and its conduct. Based on the evidence provided in the Iccon application, Board staff submits that Iccon meets the technical and financial requirements for a transmission licence.

In its application for an electricity transmission licence Iccon acknowledges (in section D of the application form) that, as a licensed transmitter, it is required to comply with all licence conditions including the provisions of the Board's Codes, and with legislation, regulations and market rules. In its response to Board Staff Interrogatory 1, Iccon has confirmed that it will comply with the requirements of the *Affiliate Relationships Code for Electricity Distributors and Transmitters* ("ARC") as of the date it is licensed. Iccon has stated that it will apply to the Board for an exemption if in the future it foresees being unable to comply with the ARC.

Iccon has indicated that it may, if necessary, seek an exemption from the ARC in the future. Board staff, however, understands that exemption from the ARC is an area that is being considered by the Board in other electricity transmission licence applications that are currently before the Board. Board staff submits that the Board's decisions in the exemption requests currently before the Board should be considered in the event Iccon proceeds with any future request for exemption.

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All of which is respectfully submitted.

April 5, 2011