



EB-2011-0118

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

**AND IN THE MATTER OF** an application pursuant to  
section 74 of the *Ontario Energy Board Act*, 1998 by  
Hydro One Networks Inc. seeking an exemption to  
sections of the Distribution System Code relating to  
the connection of micro-embedded generators to its  
distribution system;

### **PROCEDURAL ORDER NO. 1**

On April 19, 2011, Hydro One Networks Inc. ("Hydro One") filed an application with the Ontario Energy Board for a six month exemption from certain sections of the Distribution System Code ("DSC") relating to the required timelines for the connection of micro-embedded generation facilities to Hydro One's distribution system. Hydro One also requested an immediate interim stay of obligations from the timelines to connect micro-embedded generation facilities as of the date the application was filed and until the Board renders a final decision on the matter.

The timelines Hydro One is currently required to meet and for which it has applied for a six month exemption are found in sections 6.2.6 and 6.2.7 of the DSC. Section 6.2.6 requires a distributor to connect micro-embedded generation facilities within:

- 15 days if the applicant is located at an existing customer connection; or
- 60 days if the applicant is not located at an existing customer connection.

In either case, the distributor is not permitted to charge for the preparation of the offer to connect and must give the applicant at least 30 days to accept the offer to connect. The distributor is not permitted to revoke the offer to connect until the 30 day period has expired.

Section 6.2.7 of the DSC requires the distributor to connect the applicant's micro-embedded generation facility to its distribution system within 5 days of an applicant informing the distributor that it has:

- received all necessary approvals;
- provided the distributor with a copy of the authorization to connect from the Electrical Safety Authority;
- entered into a Connection Agreement; and
- paid the distributor for the connection costs, including costs for any necessary new or modified metering.

During the six month exemption, Hydro One proposes to conform to sections 7.2.1 and 7.2.3 of the DSC, which require that connections must be completed within five business days from the day on which all applicable service conditions are satisfied, or at a later date agreed to by the customer and distributor. Sections 7.2.1 and 7.2.3 also stipulate that this requirement must be met at least 90% of the time on a yearly basis. Hydro One states a period of six months would be sufficient to allow it to deal with the anticipated high volume of micro-embedded generator applications to manage its activities through the summer construction, new connects and high load periods, and to make any necessary revisions to business processes.

The Board's Notice of Application and Hearing dated June 22, 2011 was published and served by the applicant as directed by the Board. In addition to requiring the Notice be published, the Notice was sent to all affected micro-embedded generators and all electricity distributors in Ontario, among other parties.

The following parties requested and are granted intervenor status in this proceeding:

- Canadian Manufacturers & Exporters ("CME")
- Azgard Solar
- Canadian Solar Industries Association ("CanSIA")

- Eva Ligeti
- Ontario Power Authority
- Power Worker's Union
- RaSolar
- Sustainable Energy Technologies Ltd.
- Wayne L. McLellan
- Lloyd Kerr
- Ontario Sustainable Energy Association ("OSEA")
- Steve Quenneville

An intervenor list is attached as Appendix A to this procedural order. This list may be amended if additional intervention requests are received prior to the deadline.

CanSIA, CME, OSEA, Wayne McLellan and Steve Quenneville have also applied for cost eligibility. The Board has determined that CME is eligible to apply for an award of costs under the Board's Practice Direction on Cost Awards.

The Board notes that CanSIA is a trade association whose members are solar energy companies, including companies that have established manufacturing and other facilities that serve the solar industry. OSEA's membership consists predominantly of commercial service providers, generators or members that have plans to generate electricity in the future. The Board finds that both CanSIA and OSEA are, by virtue of their membership, *prima facie* not eligible to apply for an award of costs under the Practice Direction on Cost Awards. However, the Board finds that both CanSIA and OSEA may provide an important and unique perspective in this matter and will therefore allow each of CanSIA and OSEA to be eligible for an award of costs in this instance.

The Board has determined that Mr. McLellan and Mr. Quenneville are typically not eligible to apply for an award of costs under its Practice Direction on Cost Awards. However in this case, the Board is interested in hearing the views of small generation developers and will therefore allow some costs to be recovered, subject to the following

information, which should be used as guidance for what costs may or may not be recovered in a cost award:

- Out-of-pocket costs for photocopying or for travel to attend Ontario Energy Board related events (if required) may be eligible to be recovered;
- Any costs (out-of-pocket travel costs or otherwise) for events organized by persons other than the Ontario Energy Board are not recoverable;
- Costs associated with an individual's time (e.g., the time spent preparing interrogatories, attending a hearing or reviewing materials) are not recoverable;

No costs will be available in advance of the hearing.

The Practice Direction on Cost Awards and related forms are available on the Board's website at [www.ontarioenergyboard.ca](http://www.ontarioenergyboard.ca). The Practice Direction on Cost Awards should be referred to and adhered to ensure all appropriate rules are followed and the correct forms are used when it is time to submit a cost claim.

In addition, the following parties requested and are granted observer status in this proceeding:

- Conor Frederick Cleary
- Fritz Construction Services Inc.
- Cornelius and Gudula Bauer
- Kurt Repole
- Community Living Essex County
- Tracey A. Poyton
- David Shackleton

The Board intends to conduct an oral hearing and has scheduled two days for that purpose.

The Board considers it necessary to make provision for the following matters related to this proceeding at this time. The Board may amend this procedural order or issue further procedural orders from time to time.

**THE BOARD ORDERS THAT:**

1. The Applicant shall provide a list of its witness panels, by subject area, a copy of the curriculum vitae of each witness and a copy of any witness statements to the Board and all intervenors no later than **August 5, 2011**.
2. Intervenors or Board staff who wish to submit evidence regarding the application must file that evidence by way of affidavit with the Board and deliver it to the Applicant and all intervenors on or before **August 5, 2011**. Any party providing evidence shall also be prepared to present the affiant to speak to the evidence at the oral hearing of this matter.
3. The oral hearing will commence at 9:30 a.m. on **Thursday August 11, 2011**, at the Board offices, 2300 Yonge Street, Toronto, 25th floor in the North Hearing Room and will continue on **Friday, August 12, 2011** as required.
4. Any filings to the Board must quote file number EB-2011-0118, be made through the Board's web portal at [www.errr.ontarioenergyboard.ca](http://www.errr.ontarioenergyboard.ca), and consist of two paper copies and one electronic copy in searchable / unrestricted PDF format. Filings must clearly state the sender's name, postal address and telephone number, fax number and e-mail address. Please use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at [www.ontarioenergyboard.ca](http://www.ontarioenergyboard.ca). If the web portal is not available you may email your document to the address below. Those who do not have internet access are required to submit all filings on a CD or diskette in PDF format, along with two paper copies. Those who do not have computer access are required to file 7 paper copies.
5. All communications should be directed to the attention of the Board Secretary at the address below, and be received no later than 4:45 p.m. on the required date.

**ADDRESS OF THE BOARD**

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

Tel: 1-877-632-2727 (toll free)  
Fax: 416-440-7656  
E-mail: [Boardsec@ontarioenergyboard.ca](mailto:Boardsec@ontarioenergyboard.ca)

**DATED** at Toronto, July 20, 2011

**ONTARIO ENERGY BOARD**

*Original signed by*

Kirsten Walli  
Board Secretary

**Hydro One Networks Inc.**

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**APPLICANT & LIST OF INTERVENORS**

July 20, 2011

**APPLICANT**

**Rep. and Address for Service**

**Hydro One Networks Inc.**

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**INTERVENORS**

**Rep. and Address for Service**

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**Craig Hannah**

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**Canadian Manufacturers &  
Exporters**

**Paul Clipsham**

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**APPLICANT & LIST OF INTERVENORS**

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Exporters**

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**Independent Participants -  
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**Power Workers' Union**

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