



**EB-2011-0269**

**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 Toronto  
Hydro-Electric System Limited to amend its Electricity  
Distribution Licence ED-2002-0497

**By delegation, before:** Jennifer Lea

### **INTERIM DECISION AND ORDER**

Toronto Hydro-Electric System Limited ("THESL") filed an application with the Ontario Energy Board on July 18, 2011, which THESL subsequently amended by correspondence to the Board on September 30, 2011. In the application, THESL sought an exemption from having to comply with sections 2.4.26A, 2.6.5, 4.2.2.4 and 7.10.2 of the Distribution System Code and section 7.7.1 of the Retail Settlement Code until December 17, 2012. The Board assigned file number EB-2011-0269 to the application.

On November 4, 2011, the Board issued a Notice of Application and Hearing in relation to THESL's application in which it made provision for interrogatories and submissions from interested parties on THESL's application. Board staff filed interrogatories and THESL filed responses to those interrogatories. In response to Board staff interrogatory No. 6.1, THESL withdrew its request for a temporary exemption from section 7.10.2 of the Distribution System Code.

On December 14, 2011, THESL filed a letter with the Board in which it added that the temporary exemption sought in its July 18, 2011 application was intended to “cover both the interim period prior to the Board’s Decision in this matter (July 6, 2011 to the date of the Decision) and the post-Decision period until compliance is achieved”.

## **FINDINGS**

I have interpreted THESL’s December 14, 2011 letter as a request for an interim order, and will grant THESL an exemption from the obligation to comply with sections 2.4.26A, 2.6.5 and 4.2.2.4 of the Distribution System Code and section 7.7.1 of the Retail Settlement Code pending the final disposition of the application. The interim exemption will be effective as of date of this Interim Decision and Order.

I note that neither the application nor the letter filed on September 30, 2011 by THESL sought an order of the Board to exempt THESL from the subject sections of the codes on an interim basis pending the final disposition of the application. I am not prepared to make this Decision and Order retroactive to July 6, 2011.

The applicant is reminded that this Order is interim only, and the Board has not yet made a final determination with respect to THESL’s application.

## **IT IS ORDERED THAT:**

1. THESL is exempt from the requirements of sections 2.4.26A, 2.6.5 and 4.2.2.4 of the Distribution System Code and section 7.7.1 of the Retail Settlement Code until the Board’s final disposition of proceeding EB-2011-0269.

**DATED** at **Toronto**, December 15, 2011

## **ONTARIO ENERGY BOARD**

*Original signed by*

Jennifer Lea  
Counsel, Special Projects