



EB-2012-0268

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 86(1)(b) of the *Ontario Energy Board Act*,
1998 by PowerStream Inc. seeking an order granting
leave to sell distribution system assets to Loblaw
Companies Limited.

By delegation, before: Adrian Pye

DECISION AND ORDER
June 21, 2012

THE APPLICATION

PowerStream Inc. ("PowerStream") filed an application with the Ontario Energy Board on June 1, 2012 under section 86(1)(b) of the *Ontario Energy Board Act*, 1998 (the "Act") for a Board order granting PowerStream leave to sell certain distribution system assets to Loblaw Companies Limited ("Loblaw").

The metering assets to be transferred to Loblaw are located at eight locations in Richmond Hill, Markham, Barrie, Aurora and Alliston, Ontario and consist of the following:

- one meter cabinet, one test block, and assorted wiring and cabling located at 310 High Tec Road;
- one meter cabinet, one test block, and assorted wiring and cabling located at 10909 Yonge Street, Richmond Hill;
- one meter cabinet, one test block, assorted wiring and cabling, three current transformers, and three voltage transformers located at 200 Bullock Drive, Markham;

- one meter cabinet, one test block, assorted wiring and cabling, three current transformers, and three voltage transformers located at 472 Bayfield Street, Barrie;
- one meter cabinet, one test block, assorted wiring and cabling, three current transformers, and three voltage transformers located at 620 Yonge Street, Barrie;
- one meter cabinet, one test block, assorted wiring and cabling, three current transformers, and three voltage transformers located at 11 Bryne Drive, Barrie;
- one meter cabinet, one test block, and assorted wiring and cabling located at 15900 Bayview Avenue, Aurora; and
- one meter cabinet, one test block, assorted wiring and cabling, three current transformers, and three voltage transformers located at 30 King Street South, Alliston.

The total sale price of \$8.00 (plus HST) represents the net book value of the assets.

FINDINGS

Based on the evidence, I find that there are benefits to the proposed transaction, and no negative consequences have been identified. It is therefore in the public interest to grant PowerStream leave to sell the metering assets to Loblaw. The following facts are relevant to this decision.

Section 86(1)(b) of the Act provides that leave of the Board is required before a transmitter or a distributor can “sell, lease or otherwise dispose of that part of its transmission or distribution system that is necessary in serving the public”. The assets that are the subject of this transaction are necessary in serving the public.

The sale is for the purposes of transferring ownership of the metering assets to Loblaw to use these assets for wholesale metering as an Independent Electricity System Operator market participant. PowerStream states that the assets proposed to be sold to Loblaw exclusively serve and will continue to serve Loblaw. After the proposed transaction Loblaw will own the assets instead of the utility. PowerStream states that the transaction will not adversely affect the safety, reliability, quality of service or operations of the applicant or Loblaw. The proposed transfer will not impact distribution rates of the applicant.

PowerStream requested, with Loblaw’s consent, that the Board dispose of this matter without a hearing under section 21(4)(b) of the Act. I find, based on the evidence filed

in the application, that no other person will be adversely affected in a material way by the outcome of this proceeding. I have therefore disposed of this matter without a hearing.

IT IS ORDERED THAT:

1. PowerStream Inc. is granted leave to sell 8 meter cabinets, 8 test blocks, assorted wiring and cabling, 15 current transformers and 15 voltage transformers located in Richmond Hill, Ontario at 310 High Tec Road and 10909 Yonge Street, in Markham, Ontario at 200 Bullock Drive, in Barrie, Ontario at 472 Bayfield Street, 620 Yonge Street and 11 Bryne Drive, in Aurora, Ontario at 15900 Bayview Avenue, and in Alliston, Ontario at 30 King Street South to Loblaw Companies Limited.

DATED at Toronto, June 21, 2012

ONTARIO ENERGY BOARD

Original signed by

Adrian Pye
Manager
Licence Applications