

Ontario Energy
Board
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Commission de l'Énergie
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BY PRIORITY POST

2002 April 12

James Crawford
Manager
Tay Hydro Electric Distribution Company Inc.
P.O. Box 160
489 Finlayson Street
Port McNicoll, ON
L0K 1R0

Dear Mr. Crawford:

**Re: Tay Hydro Electric Distribution Company Inc.
March 2002 LDC Rate Adjustment Application
Board File No. RP-2002-0072/EB-2002-0081**

The Board has today issued its Decision and Order in the above matter and an executed copy is enclosed herewith.

Yours truly,

A handwritten signature in black ink, appearing to read "P. O'Dell", written over a horizontal line.

Peter H. O'Dell
Assistant Board Secretary

c: T. Wilson



RP-2002-0072

EB-2002-0081

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

AND IN THE MATTER OF an Application by Tay
Hydro Electric Distribution Company Inc. for an order
or orders approving or fixing just and reasonable
rates.

BEFORE: Paul Vlahos
Vice Chair and Presiding Member

George Dominy
Vice Chair and Member

DECISION AND ORDER

On December 21, 2001 the Ontario Energy Board ("the Board") issued filing guidelines to all electricity distribution utilities for the March 1, 2002 distribution rate adjustments. Supplemental instructions were issued on January 18, 2002.

Tay Hydro Electric Distribution Company Inc. ("the Applicant") filed an Application ("the Application"), dated January 25, 2002, for an order or orders under section 78 of the *Ontario Energy Board Act*, 1998 approving or fixing just and reasonable rates for the distribution of electricity, effective May 1, 2002.

The Applicant filed a revised application ("the Revised Application") dated April 11, 2002.

The Board published a generic Notice in newspapers across Ontario informing ratepayers of the distribution rate adjustments to be effective March 1, 2002 and providing the opportunity for ratepayers to participate in the proceeding or comment on the utility's application. In response to the Board's generic Notice, the Board received a total of 148 submissions in the form of a letter, facsimile, or e-mail. The total may be apportioned to the following four categories:

- 100 were copies of a template submission seeking an oral hearing, wanting to make oral submissions, claiming that rates are not just and reasonable. Another 9 were of the same template but indicated they did not wish to make an oral submission.
- 10 indicated that there should be an oral hearing and wanted to make a submission.
- 11 indicated that there should be an oral hearing but did not wish to make an oral submission.
- 18 made substantive submissions.

In some cases the submission named a specific electricity distributor, in other cases it did not. The Applicant was named in one of the template submissions.

By letter dated February 11, 2002 the Board directed electricity distributors to serve the Notice to the municipal corporation in the distributors' service area. No submissions were received.

The Applicant applied to adjust its distribution rates for the following:

- Input Price Inflation (IPI) and Productivity Factor as provided for in the Performance Based Regulation (PBR) Plan.
- the second of three installments of the utility's incremental Market Adjusted Revenue Requirement (MARR), \$58,534.
- the 2001 deferred Payments in Lieu of Taxes (PILs), \$29,311.
- the 2002 Payments in Lieu of Taxes (PILs), \$45,573.
- a change in the Applicant's late payment penalty and a provision for the revenue losses incurred by this change, \$33,121.

Copies of the Application and supporting material are available for review at the Board's offices.

While the Board has considered all of the evidence filed in this proceeding, the Board has only referenced the evidence to the extent necessary to provide background to its findings.

Board Findings

As noted above, a number of persons have written to the Board requesting that the Board hold an oral hearing in the matter of the applications by electricity distributors.

Under subsection 5.1(2) of the *Statutory Powers Procedure Act*, the Board shall not hold a written hearing where a party satisfies it that there is good reason not to hold a written hearing, in which case the Board will proceed by way of an oral or electronic hearing. Good reasons for proceeding by way of an oral hearing may include the existence of questions of credibility in which the Board will be assisted by the ability to observe the demeanor of witnesses or the complexity of evidence which parties should have the ability to test through cross-examination. Another good reason may be where an oral hearing would allow the Board to more expeditiously deal with an application.

The persons who have requested an oral hearing have not cited any such reasons but have in most cases merely stated that “the rates are not just and reasonable” and that they “would like the opportunity to present to the Board on this matter”.

The current proceeding is an extension of the process undertaken by the Board to restructure Ontario’s electricity distribution industry. To facilitate this work, the Board developed a regulatory framework that was the result of extensive consultation and public hearings. The current applications are the result of this framework, which is largely formulaic and includes for the first time the provision for the legislative requirement of PILs.

Persons have received an opportunity to make their concerns known to the Board through the published Notice which invited written submissions on the applications. The Board notes that a written hearing is a public process in which all documents received by the Board are available to the public. The Board further notes that most of the issues raised by the submissions of the persons requesting an oral hearing are outside of the scope of the Board’s jurisdiction in this proceeding. For example, some persons raised issues of privatization of

electricity services and limitations in international trade agreements on the ability of the government to make changes to Ontario's electricity system in the future. These are not relevant to the Board's duty in this proceeding to approve just and reasonable rates for an individual distributor regulated by the Board.

Therefore, the Board has decided not to hold an oral hearing in this matter.

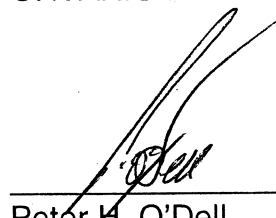
The Board finds that the Applicant's proposals in the Revised Application conform with the Board's earlier decisions, directives and guidelines and the resulting rates are just and reasonable.

THE BOARD ORDERS THAT:

- 1) The rates set out in Appendix "A" of this Order are approved effective May 1, 2002.
- 2) The Applicant shall notify its customers of the rate changes coincident with the first bill reflecting the new rates.

DATED at Toronto, April 12, 2002.

ONTARIO ENERGY BOARD




Peter H. O'Dell
Assistant Board Secretary

Appendix "A"

RP-2002-0072
EB-2002-0081

April 12, 2002

ONTARIO ENERGY BOARD



Peter H. O'Dell
Assistant Board Secretary

Tay Hydro Electric Distribution Company Inc.
Schedule of Rates and Charges
Effective May 1, 2002

RP-2002-0072
EB-2002-0081

Time Periods for Time of Use (Eastern Standard Time)

Winter: All Hours, October 1 through March 31

Summer: All Hours, April 1 through September 30

Peak: 0700 to 2300 hours (local time) Monday to Friday inclusive, except for public holidays including New Year's Day, Good Friday, Victoria Day, Canada Day, Civic Holiday (Toronto) Labour Day, Thanksgiving Day, Christmas Day and Boxing Day.

Off Peak: All Other Hours.

Cost of Power rates valid only until subsection 26(1) of the Electricity Act, 1998 comes into effect.

RESIDENTIAL

Monthly Service Charge	(per month)	\$15.97
Distribution Volumetric Rate	(per kWh)	\$0.0097
Cost of Power Rate	(per kWh)	\$0.0780

GENERAL SERVICE < 50 KW (Non Time of Use)

Monthly Service Charge	(per month)	\$16.15
Distribution Volumetric Rate	(per kWh)	\$0.0172
Cost of Power Rate	(per kWh)	\$0.0769

GENERAL SERVICE > 50 KW (Non Time of Use)

Monthly Service Charge	(per month)	\$219.55
Distribution Volumetric Rate	(per kW)	\$2.6703
Cost of Power Demand Rate	(per kW)	\$5.8686
Cost of Power Energy Rate	(per kWh)	\$0.0533

SENTINEL LIGHTS (Non Time of Use)

Monthly Service Charge	(per connection)	\$0.82
Distribution Volumetric Rate	(per kW)	\$5.7794
Cost of Power Demand Rate	(per kW)	\$23.9200

STREET LIGHTING (Non Time of Use)

Monthly Service Charge	(per connection)	\$0.74
Distribution Volumetric Rate	(per kW)	\$3.2777
Cost of Power Demand Rate	(per kW)	\$24.0200

Tay Hydro Electric Distribution Company Inc.
Schedule of Rates and Charges - Page 2
Effective May 1, 2002

RP-2002-0072
EB-2002-0081

UNMETERED/ SCATTERED LOADS

Un-metered scattered loads will be billed as General Service < 50 kW.

Monthly Service Charge	(per month)	\$16.15
Distribution Volumetric Rate	(per kWh)	\$0.0172
Cost of Power Rate	(per kWh)	\$0.0769

SPECIFIC SERVICE CHARGES

New Account Setup		\$8.80
Arrear's Certificate		\$10.00
Late Payment Charge	(per month)	1.50%
	(per annum)	19.56%
Dispute Involvement Charge		\$5.00
Returned Cheque		\$8.55
Collection of Account Charge		\$8.80
Disconnect/Reconnect Charges (non payment of account)		
At Meter - During Regular Hours		\$17.60
At Meter - After Hours		\$27.80

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March 11, 2004

James Crawford
President
Tay Hydro Electric Distribution Company Inc.
489 Finlayson Street
P.O. Box 160
Port McNicoll ON
L0K 1R0

Dear Mr. Crawford:

**Re: Distribution Rate Application
Board Decision and Order and Interim Rate Schedule**

Attached is the Board's Decision and Order and Interim Rate Schedule with respect to your company's distribution rate application regarding the partial recovery of Regulatory Assets.

Yours truly,

Peter H. O'Dell
Assistant Secretary

cc. Intervenor of record



RP-2004-0096
EB-2004-0082

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

AND IN THE MATTER OF an Application by Tay Hydro
Electric Distribution Company Inc. for an order or orders
approving or fixing just and reasonable rates.

BEFORE: Bob Betts
Presiding Member

Paul Vlahos
Member

DECISION AND ORDER

On January 15, 2004 the Ontario Energy Board ("the Board") issued filing guidelines to all electricity distribution utilities for distribution rate adjustments related to the recovery of Regulatory Assets, to be effective March 1, 2004 and implemented on April 1, 2004.

The Applicant filed an application for such adjustment. Notice of the proceeding was published on February 5, 2004 in major newspapers in the province.

While the Board had originally intended to approve the disposal of RSVA amounts on a final basis, on analysis of the applications by distributors and the reporting of RSVA amounts in these applications, the Board has now determined that all rate changes should be interim. In the Board's view, it would be premature to set these rates final based on the quality of the data contained in many of the applications and the fact that the audit sampling process by the Board has not been completed.

The Board received some interventions in these proceedings, mainly concerned with Phase Two of the process. The only intervenor to make specific submissions on Phase One of the proceeding was the School Energy Coalition, ("SEC") who objected to any interim increase in rates over and above the RSVA amounts on the basis that appropriate

evidence had not been filed on these amounts. The Board is not convinced by SEC's arguments and sees no reason that Phase One cannot proceed. Phase One only contemplates partial recovery on an interim basis at this time. In Phase Two, the Board will review all applications to ensure that only prudent and reasonably incurred costs are recovered over the four year period mandated by the Minister.

In light of the above, the Board finds that it is in the public interest to order as follows.

THE BOARD ORDERS THAT:

- 1) The rate schedule attached is approved on an interim basis, effective March 1, 2004, to be implemented on April 1, 2004. All other rates currently in effect that are not shown on the attached schedule remain in force. If the Applicant's billing system is not capable of prorating to accommodate the April 1, 2004 implementation date, the new rates shall be implemented with the first billing cycle for electricity taken or considered to have been taken from April 1, 2004.
- 2) The Applicant shall notify its customers of the rate changes by including the brochure provided by the Board through a different process, no later than with the first customer bill reflecting the new rates, and provide to the Board samples of any other notices sent by the Applicant to its customers with respect to the rate changes. The Board expects the Applicant to provide notice to all customers about the rate changes, no later than with the first bill reflecting the new rates.

DATED at Toronto, March 11, 2004

ONTARIO ENERGY BOARD

A handwritten signature in black ink, appearing to read "P. O'Dell", written over a horizontal line.

Peter H. O'Dell
Assistant Secretary

Interim Rates
Tay Hydro Electric Distribution Inc.
Schedule of Changed Distribution Rates and Charges
Effective Date: March 1, 2004
Implementation Date: April 1, 2004

RP 2004-0096

EB 2004-0082

RESIDENTIAL

Monthly Service Charge	(per month)	\$	15.97
Distribution Volumetric Rate	(per kWh)	\$	0.0113

GENERAL SERVICE < 50 KW

Monthly Service Charge	(per month)	\$	16.15
Distribution Volumetric Rate	(per kWh)	\$	0.0182

GENERAL SERVICE > 50 KW (Non Time of Use)

Monthly Service Charge	(per month)	\$	219.55
Distribution Volumetric Rate	(per kW)	\$	3.1769

SENTINEL LIGHTS (Non Time of Use)

Monthly Service Charge	(per connection)	\$	0.82
Distribution Volumetric Rate	(per kW)	\$	5.9875

STREET LIGHTING (Non Time of Use)

Monthly Service Charge	(per connection)	\$	0.74
Distribution Volumetric Rate	(per kW)	\$	3.7843

UNMETERED SCATTERED LOAD

Billed as General Service < 50kW

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BY PRIORITY POST

March 29, 2005

James Crawford
President
Tay Hydro Electric Distribution Company Inc.
489 Finlayson Street
P.O. Box 160
Port McNicoll ON
L0K 1R0

Dear Mr. Crawford:

Re: 2005 Electricity Distribution Rates
Board Decision and Order - Tay Hydro Electric Distribution Company Inc.
Board File No. RP-2005-0013/EB-2005-0077

The Board has now issued its Decision and Order for the above referenced proceeding and a copy is enclosed.

Yours truly,

A handwritten signature in black ink, appearing to read "P. O'Dell", written over a horizontal line.

Peter H. O'Dell
Assistant Secretary



RP-2005-0013
EB-2005-0077

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

AND IN THE MATTER OF an Application by **Tay
Hydro Electric Distribution Company Inc.** for an
order or orders approving or fixing just and
reasonable rates.

BEFORE: Gordon Kaiser
Vice Chair and Presiding Member

Paul Vlahos
Member

Pamela Nowina
Member

DECISION AND ORDER

Background and Application

In November 2003 the Ontario government announced that it would permit local distribution companies to apply to the Board for the next installment of their allowable return on equity beginning March 1, 2005. The Government also indicated that the Board's approval would be conditional on a financial commitment to reinvest in conservation and demand management initiatives, an amount equal to one year's incremental returns.

Also in November 2003, the Government announced, in conjunction with the introduction of Bill 4, the *Ontario Energy Board Amendment Act, (Electricity Pricing), 2003*, that electricity distributors could start recovering Regulatory Assets in their rates, beginning March 1, 2004, over a four year period.

In February and March, 2004, the Board approved the applications of distributors to recover 25% of their December 31, 2002 Regulatory Asset balances (or additional amounts for rate stability) in their distribution rates on an interim basis effective March 1, 2004 and implemented on April 1, 2004.

On December 20, 2004 the Board issued filing guidelines to all electricity distribution utilities for the April 1, 2005 distribution rate adjustments. The guidelines allowed the applicants to recover three types of costs. These costs concern (i) the rate recovery of the third tranche of the allowable return on equity (Market Adjusted Revenue Requirement or "MARR"), (ii) the 2005 proxy allowance for payments in lieu of taxes ("PILs") and (iii) a second installment of the recovery of Regulatory Assets.

A generic Notice of the proceeding was published on January 25, 2005 in major newspapers in the province, which provided a 14 day period for submissions from interested parties. On February 4, 2005, the Board issued Procedural Order No. 1, providing for an extension for submissions until February 16, 2005 and also providing for reply submissions from applicants and other parties.

The Applicant filed an application dated January 14, 2005 and a revised application dated March 18, 2005 for adjustments to their rates for the following amounts:

MARR: \$ 58,535

2005 PILs Proxy: \$ 52,469

Regulatory Assets Second Tranche: \$ 164,645

Submissions

The Board received one submission which addressed the 2005 rate setting process in general. This submission was made by School Energy Coalition (SEC). SEC objected to the guideline which caused the recovery of the 2005 PILs proxy to be reflected only on the variable charge. SEC was also concerned that monthly service charges and overall distribution charges varied significantly between utilities across the province. SEC also raised concerns regarding the consistency of, and access to, information on the applications as filed by the utilities.

Reply submissions to SEC's general submissions were received from the Coalition of Large Distributors, the Electricity Distributors Association, Hydro One Networks, and the LDC Coalition (a group of 7 distributors). These parties generally argued against the recommendations put forward by SEC, by and large indicating that the Board's existing processes for 2006 and 2007 have been planned to address these issues going forward and that these issues should not be added to the 2005 rates adjustment process.

The Applicant was not specifically named in any of these submissions.

The full record of the proceeding is available for review at the Board's offices.

Board Findings

The Board first addresses the general submission of SEC. While SEC raises important issues regarding electricity distribution rates, the Board has put in place a process which will address most of the issues raised by SEC on a comprehensive basis with coordinated cost of service, cost allocation and cost of capital studies for all distributors in 2006, 2007 and 2008. The Board does agree that unless there are compelling reasons to diverge from the Board's original filing guidelines for the 2005 distribution rate adjustment process, distributors should follow the guidelines in their applications.

The Board finds that the application conforms with earlier decisions of the Board (including approval for the Applicant's Conservation and Demand Management plan), directives and guidelines.

The Board will issue a separate decision on cost awards.

THE BOARD ORDERS THAT:

- 1) The rate schedule attached as Appendix "A" is approved effective March 1, 2005, to be implemented on April 1, 2005. All other rates currently in effect that are not shown on the attached schedule remain in force. If the Applicant's billing system is not capable of prorating to accommodate the April 1, 2005 implementation date, the new rates shall be implemented with the first billing cycle for electricity consumed or estimated to have been consumed after April 1, 2005.

- 2) The Applicant shall notify its customers of the rate changes, no later than with the first bill reflecting the new rates and include the brochure provided by the Board.

DATED at Toronto, March 29, 2005

ONTARIO ENERGY BOARD

A handwritten signature in black ink, appearing to read "P. O'Dell", is written over the printed name and title.

Peter H. O'Dell
Assistant Board Secretary

Appendix "A"

RP-2005-0013
EB-2005-0077

March 29, 2005

ONTARIO ENERGY BOARD

Tay Hydro Electric Distribution Company Inc.
Schedule of Changed Distribution Rates and Charges

Effective Date: March 1, 2005
Implementation Date: April 1, 2005

RP-2005-0013
EB-2005-0077

RESIDENTIAL

Monthly Service Charge	(per month)	\$16.05
Distribution Volumetric Rate	(per kWh)	\$0.0150

GENERAL SERVICE < 50 KW

Monthly Service Charge	(per month)	\$16.19
Distribution Volumetric Rate	(per kWh)	\$0.0220

GENERAL SERVICE > 50 KW (Non Time of Use)

Monthly Service Charge	(per month)	\$216.92
Distribution Volumetric Rate	(per kW)	\$4.2767

SENTINEL LIGHTS (Non Time of Use)

Monthly Service Charge	(per connection)	\$0.80
Distribution Volumetric Rate	(per kW)	\$6.3568

STREET LIGHTING (Non Time of Use)

Monthly Service Charge	(per connection)	\$0.73
Distribution Volumetric Rate	(per kW)	\$4.8928

UNMETERED SCATTERED LOAD

Billed as General Service < 50kW

The rates on this schedule include an interim recovery of Regulatory Assets.

Harold T.

**Ontario Energy
Board**

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BY PRIORITY POST

February 7, 2005

James Crawford
President

Tay Hydro Electric Distribution Company Inc.
489 Finlayson Street
P.O. Box 160
Port McNicoll ON
L0K 1R0

Dear Mr. Crawford:

**Re: Tay Hydro Electric Distribution Company Inc.
Board file number RP-2004-0203/EB-2004-0512**

The Board has now issued its Final Order in the above matter and a copy is enclosed.

Yours truly,

A handwritten signature in black ink, appearing to read 'P. O'Dell', written over a horizontal line.

Peter H. O'Dell
Assistant Secretary



RP-2004-0203
EB-2004-0512

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

AND IN THE MATTER OF an application by Tay Hydro Electric
Distribution Company Inc. for a Final Order Pre-approving its
Conservation and Demand Management Plan.

BEFORE: Gordon Kaiser
Vice Chair and Presiding Member

George Dominy
Member

Cathy Spoel
Member

FINAL ORDER

Tay Hydro Electric Distribution Company Inc. (Tay Hydro) has filed an application dated November 25, 2004 with the Ontario Energy Board for a Final Order pre-approving its Conservation and Demand Management (CDM) Plan. The Board assigned File No. RP-2004-0203 / EB-2004-0512 to this application.

A Notice of Application and Written Hearing was issued by the Board on December 16, 2004. Tay Hydro served and published the Notice as directed by the Board. The intervention period expired on January 3, 2005. There are no intervenors.

On May 31, 2004, the Minister of Energy granted approval to all distributors in Ontario to apply to the Board for an increase in their 2005 rates by the third installment of their incremental market adjusted revenue requirement (MARR). This approval is conditional on a commitment to reinvest an equivalent amount in CDM initiatives.

On October 5, 2004, the Board issued a Procedural Order (the Procedural Order) which addressed the opening of deferral accounts; the recovery of development expenses; the process for applying for plan approval; and the filing requirements for plan approval. Pursuant to the Procedural Order all electricity distribution companies, including Tay Hydro, received authorization to establish a deferral account.

The elements of Tay Hydro's CDM Plan are as follows: an education and promotion program, a school conservation and safety program, a distribution system optimization study, and, a CDM Plan development expense.

The total budget for the CDM plan is approximately \$59,000. This amount is consistent with the third installment of its incremental MARR.

The Board finds that the activities and programs proposed by Tay Hydro qualify as conservation and demand management activities and that the planned investments are eligible for tracking in the deferral account.

The Board approves the expenditure of \$59,000 for implementation of the CDM Plan, which is consistent with the amount of the third installment of Tay Hydro's incremental MARR.

The Board requires that Tay Hydro file with the Board quarterly and annual reports on the progress of the initiatives included in the approved CDM Plan. The annual reports will be subject to public review.

The Board understands that the approved CDM Plan and the associated budget allocation to the individual programs may be subject to modifications. The Board requires that all modifications be identified in the quarterly and annual reports. In

addition, Tay Hydro shall apply to the Board for approval for modifications of spending above 20% of the approved budget.


IT IS ORDERED THAT:

1. Tay Hydro Electric Distribution Company Inc. is granted a final approval of the Conservation and Demand Management Plan as submitted for the Board's review in the application dated November 25, 2004. This investment satisfies the Minister of Energy's conditions of a financial commitment to reinvest the equivalent of one years incremental market adjusted revenue requirement in conservation and demand management. The approved total budget is \$59,000.
2. Tay Hydro Electric Distribution Company Inc. shall file with the Board quarterly and annual reports on the progress of the initiatives within its conservation and demand management plan.
3. The quarterly reports shall be filed no later than 30 days after the end of each calendar quarter.
4. The annual reports shall be filed no later than March 31 of the following year. The annual reports shall be subject to public review. The annual report shall include a cost benefit analysis on the program included in the conservation and demand management plan.
5. Tay Hydro Electric Distribution Company Inc. shall apply to the Board for approval if cumulative fund transfers among programs exceed 20% of the approved budget.
6. Tay Hydro Electric Distribution Company Inc. may credit the costs of preparing its Conservation and Demand Management application and participation in the

hearing including intervenor and Board costs against the amount required to be spent on Tay Hydro Electric Distribution Company Inc.'s Conservation and Demand Management Plan budget.

DATED at Toronto, February 7, 2005.

ONTARIO ENERGY BOARD



Peter H. O'Dell
Assistant Board Secretary