



**EB-2012-0303**

**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 Toronto Hydro-Electric System Limited  
seeking an order granting leave to sell distribution  
system assets to Ontrea Inc.

By delegation, before: Adrian Pye

## **DECISION AND ORDER**

**August 2, 2012**

### **THE APPLICATION**

Toronto Hydro-Electric System Limited (“THESL”) filed an application with the Ontario Energy Board on July 3, 2012 under section 86(1)(b) of the *Ontario Energy Board Act*, 1998 (the “Act”) for a Board order granting THESL leave to sell certain distribution assets to Ontrea Inc. (“Ontrea”).

The distribution assets being sold include circuit breakers, switches, switchgears, conductors, line disconnect fuses, transformers, wiring, a battery, and a battery charger and are located at 25 The West Mall, Toronto, Ontario. A detailed listing of the assets was included in Attachment 1, Schedule A of the Application.

The total sale price for the transfer of the assets is \$1.00 (inclusive of taxes).

## 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 THESL leave to sell the distribution assets to Ontrea. 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 Ontrea to undertake work on its property that will require a cable re-routing and reconfiguration plan that will ultimately move the point of demarcation such that Ontrea will take over distribution on the property. By taking ownership of the assets, Ontrea will be able to proceed with its cable re-routing plan, once Electrical Safety Authority approval is obtained. If the assets are not transferred, Ontrea would be required to purchase equipment with equivalent functionality.

THESL states that the assets proposed to be sold to Ontrea will serve only Ontrea into the foreseeable future. After the proposed transaction, Ontrea will own the assets instead of the utility. THESL states that the transaction will not adversely affect the safety, reliability, quality of service or operations of the applicant or Ontrea. The proposed transfer will not impact distribution rates of THESL.

THESL requested, with Ontrea’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. Toronto Hydro-Electric System Limited is granted leave to sell circuit breakers, switches, switchgears, conductors, line disconnect fuses, transformers, wiring, a battery, and a battery charger, as detailed in Attachment 1, Schedule A of the Application, located at 25 The West Mall, Toronto, Ontario to Ontrea Inc.

**DATED** at Toronto, August 2, 2012

**ONTARIO ENERGY BOARD**

*Original signed by*

Adrian Pye  
Manager  
Licence Applications