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January 2, 2013

VIA EMAIL, COURIER & RESS

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

Dear Ms. Walli:

**Re: Horizon Utilities – Service Area Amendment
Letter of Comment
Board Proceeding No.: EB-2012-0047**

We are counsel to Brant County Power Inc., EnWin Utilities Ltd. and Essex Powerlines Corporation (the “**Distributors**”) who are all licensed electricity distributors by the Ontario Energy Board (the “**Board**”).

On November 29th, 2012, the Distributors filed a letter of comment (the “**Letter**”) in this proceeding regarding certain issues that were to be considered by the Board as part of a motion brought by Hydro One Networks Inc. (“**Hydro One**”) to dismiss the Application. The position advanced at the motion indicates that the decision criteria for service area amendment applications is either being reconsidered or interpreted in a manner that is potentially inconsistent with RP-2003-0044. Until the motion highlighted these issues, the Distributors were not aware of potential changes to the consideration of service area amendment applications.

The Letter indicated that if the proceeding were to continue, the Distributors intended to seek intervenor status. The motion decision did not make any pronouncement regarding the participation of the Distributors. The Distributors hereby request intervenor status in this proceeding pursuant to Rule 23 of the Board’s *Rules of Practice and Procedure* (the “**Rules**”).

As licensed electricity distributors, the Distributors are obligated to follow the Board’s regulatory requirements and processes, including the process for amending service territories. Each of the Distributors has a licensed service territory that abuts the Hydro One. In the Letter, it was indicated that each of the Distributors has had and likely will have to consider service area amendment issues that will impact Hydro One. As such, the

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requirements, manner and timing of the offers to connect and the financial calculations supporting such are of interest to the Distributors and their ability to conduct their business.

The Ontario Distribution Sector Review Panel issued its report: *Renewing Ontario's Electricity Distribution Sector: Putting the Consumer First* in December 2012 which made certain recommendations for the future of the distribution sector in Ontario that, if accepted, would dramatically alter the service territories of distributors. Given its recommendations, there may be a desire to revisit, confirm or amend the service area amendment application process. As such, the Distributors feel the proceeding would benefit from a broader perspective which the Distributors can provide.

As indicated in the Letter, the Distributors will take the record as it stands and will adhere to schedules set forth by the Board so that the parties not delayed or prejudiced. Further, the Distributors will co-operate with the parties to the proceeding to ensure there is not a duplication of efforts. The Distributors do not intend to file evidence but will seek to cross-examine witnesses and make submissions.

The Distributors do not intend to seek a costs award in this proceeding.

The Distributors request all correspondence regarding this proceeding be sent to the Distributor's legal counsel:

Aird & Berlis LLP
Suite 1800, Box 754
181 Bay Street
Toronto Ontario M5J 2T9

Attention: Mr. Scott Stoll
Email: ssoll@airdberlis.com
Tel: 1-416-865-4703

If you require further information, please contact the undersigned.

Yours Respectfully,

**BRANT COUNTY POWER INC., ENWIN UTILITIES LTD.
AND ESSEX POWERLINES CORPORATION**

By Counsel



Scott Stoll
SAS

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cc: EB-2012-0047, All Participants
R. Dimmel, Essex
A. Sasso, EnWin
E. Glasbergen, Brant County

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