



November 6, 2017

Ms. Kirsten Walli  
Board Secretary  
Ontario Energy Board  
2300 Yonge St., Suite 2700  
Toronto, ON, M4P 1E4

**via RESS and Courier**

Dear Ms. Walli:

**Re: CLD Submission on Proposed Amendments to the Transmission System Code and the Distribution System Code to Facilitate Regional Planning  
Board File Number EB-2016-0003**

## **OVERVIEW**

The review of the Transmission System Code (“TSC”) and Distribution System Code (“DSC”) was motivated by the leave to construct (“LTC”) application filed by Hydro One with the Ontario Energy Board (“OEB”) in 2014. The Supply to Essex County Transmission Reinforcement (“SECTR”) project applied a proportional benefit test to allocate part of the transmission asset connection costs to all ratepayers.<sup>1</sup> Upon further review of Hydro One’s LTC application, the OEB stated that the cost allocation issues that arose from the SECTR project should be reviewed from a policy perspective.

On January 7, 2016, the OEB initiated this consultation by forming a Working Group. Three meetings were held over the following 16 months.

On September 21, 2017, the OEB gave notice to amend the TSC and DSC under section 70.2 of the *Ontario Energy Board Act, 1998*. At the request of the Coalition of Large Distributors (“CLD”), a two week extension was granted for the receipt of written comments. The CLD appreciates the OEB’s latitude and is pleased to offer comments on these proposed code amendments.

This submission reflects the views of Alectra Utilities Corporation, Hydro Ottawa Limited, Toronto Hydro-Electric System Limited and Veridian Connections Inc. It is the general view of the CLD that, as an amalgam, these proposals constitute a significant departure from current OEB policy.

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<sup>1</sup> Notice of Proposal to Amend a Code – Proposed Amendments to the TSC/DSC to facilitate Regional Planning – EB 2016-0003;



## GENERAL COMMENTS

A number of core concepts appear not just in a single section of the Notice, but throughout it. The CLD addresses those here, and refers back to them as required throughout this submission. Though not addressed specifically, in the Notice there are many instances of incorrect Code section references. The CLD has made its best efforts to remedy this in its submission.

### Large Load Customers

The Notice proposes to introduce the concept of a “large load customer.” Customers with non-coincidental peak demands in excess of a set threshold (proposed currently as 3 MW) would pay for the incremental capacity they receive from various types of capital investments, whereas customers below that threshold would not. In this respect, the OEB is proposing to place the same payment obligations on large load customers as it does on local distribution companies (“LDCs”) and embedded LDCs.

The CLD has broad and significant concerns with this proposal in general terms and, if it does form part of the Codes going forward, with the 3 MW threshold in particular.

First, the CLD is concerned with the potentially significant impacts and unpredictable costs this would have on large load customers, and the effects this will have on economic development. The CLD does not share the belief that large load customers and LDCs are “equal” parties. Whereas LDCs (embedded or not) have the ability to apply for and receive relief for prudently incurred costs, including capital contributions or CAPEX spend on their own systems, large load customers do not. Private firms can only pass on costs to the extent that the price elasticities of their product(s) or services(s) allow, and public institutions may not be able to raise service fees (if they cannot, marginal costs are funded by service cuts or incremental tax revenue). The net cost burden on large load customers would be borne by the business/shareholder itself – by definition those that are growing (they have incremental capacity requirements) or receive some other needed benefit. In other words, an equal treatment within this policy framework is not necessarily the fairest.

Second, OEB staff have not empirically tested the effects of treating large load customers in this way. Indeed, the CLD understands that the discussion at the Working Group considered a much lower threshold than the one proposed here. It would benefit all of those impacted by this proceeding for the OEB to be transparent on how the 3 MW threshold was selected and why. This context is helpful for stakeholders to understand the rationale and improve the quality of stakeholder feedback.

Treating otherwise identical customers in a significantly different manner risks leading to unintended consequences that drive unfavourable behavioral change (i.e., gaming) on the part of those affected. Without careful consideration of this policy, customers that are just above the 3 MW threshold may end up facing significantly higher energy costs than a customer that falls just below 3 MW.



Finally, the CLD observes that no jurisdictional comparators are presented to give the sector comfort that such a framework has worked effectively elsewhere. If OEB staff have performed such an analysis, the CLD encourages that it be included in any subsequent Notice or Report.

Accordingly, the CLD recommends that the OEB undertake further analysis of the proposal to treat large load customers on par with LDCs and embedded LDCs. At the very least, alternatives to (or the smoothing of) capital contributions should be within scope.

If the OEB ultimately finds that large load customers ought to be included, the CLD encourages a forum to discuss more vigorously the correct threshold to ensure relatively similar treatment on either side of it. If the OEB chooses not to conduct further analysis, the CLD recommends a threshold of 5 MW to align with the definition of Large System Use customer used for distribution ratemaking purposes. The CLD expects this would make the rules easier for customers to understand, as large customers are already attuned to changes in rate treatment at that threshold.

### Defining Benefits

The CLD often encourages the OEB to provide latitude in its rulemakings and implementation thereof, and we support the proposed approach to leave the sector to define what types of benefits are appropriate for inclusion in this paradigm.

However, the CLD notes that a broad reading and application of the “beneficiary pays” principle could, for example, be argued to extend beyond the network pool and apply to large load customers or LDCs as well. The CLD encourages the OEB to clarify this paradigm in any subsequent Notice or Report.

Even if the allocation of costs to LDCs and large load customers are limited to capacity needs only, the CLD encourages the OEB to provide further specificity, particularly with regard to the establishment of “need.” Without further scoping, the OEB should expect to receive arguments that the concept of benefit includes both forward-looking and backward-looking considerations. For example, should a large load customer that had previously benefited from available capacity prior to an investment being triggered be treated any differently than a large load customer that happened to have a need at the time an investment is triggered (or, by extension, any large load customer that benefits from the upgrade in the future)? Whether and how beneficiaries in the past or future are treated would impact all large load customers and create significant administrative repercussions for LDCs. The CLD believes further debate is warranted before setting this policy.

If “benefit” extends beyond capacity need, the CLD encourages the OEB to consider providing scoping parameters around what constitutes a “benefit,” akin to the OEB’s criteria for Z-factor applications. Here, broad considerations are set but significant latitude is nevertheless granted to operate within them. Such an approach in the context of the present consultation would be valuable to the sector. Factors such as whether the benefit is identifiable, quantifiable, or material could be warranted for consideration. If it is the intent of the OEB to draft additional Guidelines in future stages of this proceeding, it may be the opportune means of providing these criteria.



Finally, though it is not made explicit, the CLD assumes that a customer that receives a benefit it does not need (i.e. a “collateral beneficiary”) would not be required to pay under this paradigm. The CLD supports this concept.

### Mirroring the TSC in the DSC

The CLD observes that many of the changes put forth in this Notice are justified – at least in part – on the idea that the concepts embedded in one code (primarily the TSC) must be replicated in the other (primarily the DSC). While this may be appropriate in some circumstances, the CLD is not convinced by the merits of this assumption writ large. There are important differences between the transmission system and distribution systems which suggest that significant nuance is required (most notably, the number and relative size of end-use customers). While the CLD appreciates the view that, *over time*, technological and business model evolution may draw the need for greater alignment, the CLD would benefit significantly from understanding the data and metrics the OEB is using to determine the optimal time for this sort of intervention.

## **COMMENTS ON PROPOSED AMENDMENTS**

### **1: Proposed TSC Amendments: Approaches to ‘Apportion’ Transmission Connection Investment Costs to the Network Pool**

#### Proposed changes:

The Notice proposes to add section 6.3.18A and 6.3.18B to the TSC to implement a proportional benefit approach to allocate transmission connection investment costs among individual customers (LDCs, embedded LDCs and large load customers) and the network pool paid for by all ratepayers. The OEB is also proposing an adjudicative process to review requests for apportionment on a case-by-case basis.<sup>2</sup>

#### CLD Comments:

The CLD is generally supportive of the proposed sections of the TSC, with two important caveats: the inclusion of large load customers within this framework and the determination of what is, or isn’t, a benefit. For further elaboration on these matters and the CLD’s associated concerns, please see the General Comments section.

Reading the Notice and the proposed section 6.3.18A in tandem illustrates that additional clarity is required on the matter of defining benefits. The latter (the proposed 6.3.18A) appears to differentiate between the benefits that accrue to the network system (more than just capacity) and those that accrue to distributors, embedded distributors and large load customers (needed capacity only). This is at odds with the Notice, which can be read to infer that the broader definition of benefit applies to both the system and affected customers.

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<sup>2</sup> Notice of Proposal to Amend a Code – Proposed Amendments to the TSC/DSC to facilitate Regional Planning – EB 2016-0003; pg 7.



With respect to 6.3.18A specifically, the CLD respectfully submits that there are gaps between the proposed language and the policy's intent as described in the Notice. For example, the proposed section refers to "load customers" and not "distributors, embedded distributors and large load customers," which would be more consistent. The reference to "triggering customers" is also confusing given that the Notice is proposing to eliminate the trigger-pays approach. Finally, "broader network system need" should be replaced with "broader network system benefit."

The CLD further encourages the OEB to consider an alternative to an adjudicative process for apportionment. The timelines over which system upgrade cases emerge and are dealt with can occur in less time than the roughly 18-month horizon required to amend a Regional Infrastructure Plan ("RIP") or Integrated Regional Resource Plan ("IRRP"). Akin to a Section 80 filing, a simplified process could provide the OEB notice of the apportionment, and the OEB would make a determination whether a review is required. The conditions under which a review would be required should be spelled out by the OEB to provide clarity and certainty to those affected and to ensure consistent treatment. Among those conditions should be a requirement that affected parties be consulted by the transmitter prior to filing.

Should the OEB choose to require an adjudicative process, the CLD recommends that an amended RIP/IRRP not be a stringent requirement for the filing, in order to ensure timely decision making. The CLD expects that an RIP/IRRP would nevertheless ultimately be amended and issues would be dealt with through a Transmission rate application.

Finally, the CLD recommends that, in addition to transmitters, customers also have the ability to request an IESO assessment, but that the requesting customer be obligated to pay for the assessment if no broader system benefit is identified in the assessment. This would support the transparency and inclusivity objectives included in the Notice.

## **2: Proposed TSC and DSC Amendments: Approaches to 'Apportion' Upstream Transmission Connection Investment Costs**

### *Upstream Transmission Connection Investments – Treatment of Embedded Distributors*

#### Proposed changes:

The Notice recommends changes to section 3.2.4 of the DSC to have the beneficiary pays principle apply to all distributors, including embedded distributors.

#### CLD Comments:

The CLD has no objections to the recommendations to amend section 3.2.4, in relation to the treatment of embedded distributors.

### *Upstream Transmission Connection Investments – Treatment of Large Load Customers*

Proposed changes:

The Notice proposes to add a new section 3.2.4A to the DSC to reflect the application of the beneficiary pays principle to large load customers. The proposed section defines large load customers as having non-coincident peak demand equal to or greater than 3 MW. These customers will be required to provide a capital contribution to the distributor based on their incremental capacity requirements.

CLD Comments:

For the reasons detailed in the General Comments section of this submission, the CLD has strong concerns with this proposal.

**3: Proposed TSC and DSC Amendments: Approaches to ‘Apportion’ Costs for End-of-Life Connection Replacement and Multi-distributor Regional Solutions:**

*Replacement of End-of-Life Transmission Connection Assets: Not Like-for-Like*

Proposed changes:

The Notice recommends amending section 6.7.2 of the TSC to include three subsections that address three end of life (“EOL”) scenarios<sup>3</sup>:

- (1) In the like-for-like scenario, when a connection asset reaches its EOL but a customer does not want a like for like replacement, the customer should only be required to pay the incremental cost to the transmitter.
- (2) In the additional capacity scenario, when a customer does request a replacement of a connection asset but the asset has not reached its EOL, this customer should only pay for the remaining amount of the net book value (“NBV”), not the full cost.
- (3) In the lower capacity scenario, when a connection asset reaches its EOL but a customer’s load has declined over time, the transmitter should use judgement to replace the EOL asset with a new connection asset that meets the lower forecast (i.e. “right size”).

The Notice is also proposing to further amend section 6.7.2 of the TSC to require the transmitter to consult with their customers (distributors and commercial) that are served by a facility prior to the transmitter replacing it.

CLD Comments:

The CLD strongly supports the recommended approaches. However, the CLD notes that the language in the Code makes no reference to the NBV proposal, and recommends that the language be clarified to more explicitly include it.

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<sup>3</sup> Notice of Proposal to Amend a Code – Proposed Amendments to the TSC/DSC to facilitate Regional Planning – EB 2016-0003; pg 11-12.





The CLD is particularly supportive of the OEB's recommendation to require the transmitter to consult with its customers prior to replacing a transmission connection asset. However, various circumstances can arise that may impact a distributor's system. Therefore, the CLD encourages the OEB to consider amending section 6.7.2 of the TSC to require the transmitter to perform customer engagement more generally prior to a Transmission rate application, but not necessarily as part of the regional planning process. The CLD believes that sufficient customer engagement by the transmitter is needed in relation to when EOL occurs to complement the formal RIP cycle.

Finally, though it is supportive of the proposal, the CLD is cognizant that growth in distributed resources and market evolution may not necessarily allow for the downsizing of transmission assets and distribution assets in the near term, though they may do so some time well into the future. Moreover, the CLD believes that there must be an appropriate incentive in place for distributors to assume the risks associated with a transmission connection asset being downsized based on information available at a fixed point in time. In this regard, the CLD is of the view that an appropriate incentive would be for the savings associated with the downsizing of a transmission connection asset to accrue to the customers of the LDC rather than to the network pool.

#### *Replacement of End-of-Life Distribution Connection Assets*

##### Proposed changes:

The Notice recommends adding a new section 3.1.17 to the DSC to align with proposed amendments to section 6.7.2 of the TSC to capture the three scenarios discussed under the "replacement of end-of-life transmission connection assets" section. Section 3.1.17 of the DSC would address EOL requirements for distributors to consult with large load customers.

##### CLD Comments:

The CLD respectfully requests additional clarification on whether the consultation referred to in the Notice is that which is already generally expected for the purposes of Distribution System Plans and/or rate filings. Should the OEB confirm that is the same consultation, the CLD believes that reference to this consultation in the Code amendments is not required. However, if the OEB does proceed with adding the consultation requirement in 3.1.17 of the DSC, the CLD requests that the OEB clarify the scope of distribution connection assets which the OEB is contemplating in this context.

In addition, the CLD recommends replacing the language "distributor-owned asset" with "distributor-owned connection asset" as this ensures clarity and precision.

Lastly, there are inconsistencies between the recommendation stated in the Notice and the text in Attachment B for proposed section 3.1.17. The Notice suggests that the requirement for distributors to consult with customers would be limited to large customers. However, section 3.1.17 of the DSC in Attachment B uses the term "applicable customer". The CLD requests the



OEB replace this language to specify that distributors are required to consult with customers that qualify as large load customers.

### *Regional Distribution Solution – LDC Feeder Transfer*

#### Proposed changes:

As a way to mitigate costs associated with triggering an upstream connection upgrade by a distributor, the Notice proposes an “LDC Feeder Transfer” solution whereby a “facilitating” distributor that has excess capacity and no future growth expected provides its capacity to a connecting distributor that requires more transmission connection capacity.<sup>4</sup> The connecting distributor would make an investment to the facilitating distributor to use this excess capacity. The Notice recommends adding section 3.1.18 to the DSC to implement this objective. Both LDCs would be required to submit a joint application to the OEB.

#### CLD Comments:

Although the CLD recognizes the OEB’s intention to follow the guiding principle “*Optimal Infrastructure Solution*”, the CLD believes further exploration of this policy recommendation is required.

First, the CLD believes these changes are at odds with the OEB’s intentions in EB-2015-0006 (“Elimination of Load Transfer Arrangements”) and the aspects of EB-2014-0138 (“SAA and MAADs Rate-Making Policy Review”) that were meant to encourage LDC consolidation. This proposal discourages contiguous consolidation because it provides an alternative to eliminating the boundary outright.<sup>5</sup>

The CLD is generally concerned that this proposal could lead to cross-subsidization between customers of a facilitating distributor and those of a connecting distributor. The CLD seeks direction from the OEB to confirm this will not occur should the OEB move forward with section 3.1.18 of the DSC. Likewise, the CLD notes the potential for complications to the settlement process with the IESO arising as the result of feeder transfers. Such matters would need to be taken into consideration and mitigated as necessary.

Should the OEB choose to move forward with the LDC Feeder Transfer, the CLD recommends that the OEB ensure there is a distinction made between the RIP, which is a transmitter-led process, versus the proposed process detailed in 3.1.18 as an LDC-led process.

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<sup>4</sup> Notice of Proposal to Amend a Code – Proposed Amendments to the TSC/DSC to facilitate Regional Planning – EB 2016-0003; pg 14.

<sup>5</sup> Renewing Ontario’s Electricity Sector: Putting the Consumer First, December 2012.





Furthermore, the CLD recommends that LDCs should be rewarded for seeking out cost saving through a shared benefit approach between ratepayers and the LDCs. Applications of any nature entail risk that should be compensated for accordingly.

Lastly, the CLD recommends that the wording “distributor owned asset” be replaced with “distributor owned connection asset” to better reflect the intent of the Notice.

#### **4: Proposed TSC and DSC Amendments: Facilitating Regional Plan Implementation and Mitigating Electricity Bill Impacts**

##### *Distributor “Incremental” Load Growth vs. “Lumpy” Transmission Connection Investments*

###### Proposed changes:

The Notice proposes amending the TSC by adding section 6.3.19 which requires transmitters to accept the provision of capital contributions by distributors in annual installments over a period of time of up to five years. It further proposes amendments in the respective appendices of the TSC and DSC that address the “Methodology and Assumptions for an Economic Evaluation” to enable, but not require, the alternative mechanisms. Lastly, the OEB will develop filing guidelines related to the upstream connection adder and upstream capacity payment similar to those issued in the past for funding adders.

###### CLD Comments:

The CLD acknowledges that the OEB’s underlying intent in proposing these funding approaches is “to provide for flexibility and adaptability to different scenarios of development within distributor territories.”<sup>6</sup> The CLD appreciates the spirit of the OEB’s intent and would emphasize that, if the OEB ultimately adopts these funding options, then a distributor must be afforded the flexibility to pursue whatever option it deems fit.

At the same time, the Advanced Funding Options deviate from conventional ratemaking principles, insofar as customers would be charged for assets before the assets are placed into service. While the Notice sets forth several reasons in support of the adoption of these funding mechanisms (e.g. provision of flexibility to LDCs, removal of barriers to implementation of regional plans, etc.), the CLD respectfully observes that the Notice does not thoroughly address the question of whether these mechanisms are consistent with the OEB’s established principles for utility ratemaking.

The CLD therefore requests that the OEB provide additional discussion, analysis, and/or rationale on the aforementioned matters, in any subsequent action in this proceeding.

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<sup>6</sup> Notice of Proposal to Amend a Code – Proposed Amendments to the TSC/DSC to facilitate Regional Planning – EB 2016-0003; pg 23.



If the OEB does move ahead with the Advanced Funding Options, they should be made available to distributors to fund transmission assets regardless of whether they are transmitter owned or distributor owned. The current proposal would prohibit distributors from using either mechanism to fund a distributor owned transmission asset, such as a transmission station. If that same transmission station were to be built and owned by the transmitter, then both funding options would be available. This misalignment provides preferential treatment to the funding of transmitter built transmission stations. For this reason, the CLD submits that the definition of “Advanced Funding Revenues” be expanded to include instances that do not require the payment of a capital contribution to a transmitter.

Finally, the CLD is not convinced that the proposal to allow LDCs to extend the duration of a capital contribution from one to five years will provide any meaningful or visible rate relief to customers. The CLD assumes that the balance of any unpaid capital contributions would remain in (and therefore increase) the transmitter’s rate base. From a customer’s perspective, both would contribute to the Delivery line of the bill in any event, making the net impact negligible and undetectable.

## **5: Proposed TSC and DSC Amendments: Addressing Inconsistencies and Gaps**

### *Utility Discretion – Cost Responsibility Code Provisions*

#### CLD Comments:

The CLD has no objections on the proposed changes.

### *Capital Contribution Refund/Rebate to Initial Customer(s)*

#### CLD Comments:

The CLD does not support the proposed changes noted in this section and sees these changes as creating cases where having TSC principles embedded within the DSC would not work in practice.

The CLD recommends that the OEB revisit the proposed 15 year timeframe for customers at or above the 3 MW threshold. The CLD believes that this change would create inefficiencies in the system both for the distributor and the customer. The proposed timeframe will be administratively burdensome given the mix of five and 15 year horizons for large and “non-large” load customers.

Moreover, this proposal contradicts the OEB’s principle of making optimal infrastructure investments, as distributors would be required to wait longer to recoup load that fails to materialize.



In addition, the CLD is concerned that a longer time horizon increases the risk of these customers not receiving their deposit back in full. As an example, development companies may no longer exist after such a long time period.

#### *Capital Contribution True-Ups and Load Forecasts*

##### CLD Comments:

Consistent with the comments outlined above as well as within the General Comments, the CLD is concerned with the proposed extension of the window for returning the expansion deposit to 15 years, as well as with the 3 MW threshold for large load customers.

#### *Mix of Load and Generator Customers on a Connection Asset*

##### CLD Comments:

The CLD believes that the proposed language in 3.1.19 requires clarification and amendment. The use of “distributor-owned asset” is confusing. Taken literally, this is an extremely broad definition, and could potentially imply that any replacement of a distributor owned asset triggers cost responsibility.

If the OEB is referring to “distributor owned connection asset” when stating “distributor owned asset”, then the reference to multiple customers in 3.1.19 is inconsistent with the concept of a connection asset, which is in relation to a single customer. However, if the OEB means that “distributor owned asset” applies with respect to an expansion request only, then the CLD has no objections as this is current practice.

The CLD recommends that the OEB clarify the language of this specific code amendment.

#### *Bypass Compensation*

##### CLD Comments:

The CLD respectfully submits that, if the intended purpose of adding section 3.5.2 to the DSC is to specify circumstances when a customer can take action to reduce the amount of electricity the customer withdraws from the distribution system, then the CLD recommends that the OEB provide a definition of load management activities. In addition, the CLD recommends that the OEB define the calculation referenced in section 3.5.3.

#### *Relocation of Connection Assets*



#### CLD Comments:

The CLD is concerned with the proposed approach as LDCs and their customers have obligations under separate legislation, such as in relation to municipal right-of-ways, railway crossings, Ministry of Transportation or Metrolinx projects, and the *Public Service Works and Highways Act*. The CLD encourages the OEB to accommodate for such arrangements here.

#### *Definition of “Customer”*

#### CLD Comments:

While the CLD is supportive of ensuring greater regulatory certainty to distributors and their customers, the CLD requests the OEB to clarify how it anticipates accommodating and recognizing new types of customers should the OEB move forward with this proposal. The CLD believes that the definition of “customer” should be developed in such terms that are forward looking to the greatest extent possible, without being overly restrictive such that a distributor could not apply the definition to new developments and participants in the future.

In addition to the concerns noted above, if the OEB proceeds with the proposed definition the CLD notes that this could have an impact on distributors that need to amend their conditions of service.

Finally, the CLD observes that the word “customer” appears extensively in the DSC, and changing the definition risks creating unintended consequences in individual contexts.

#### *Community Desire for more than “Optimal” Solution in Regional Plan – No Mechanism in Place to Fund Local Choices*

#### CLD Comments:

The CLD has no objections with the proposed change to review the cost associated with optimal wire solutions. However, the CLD requests the OEB to clarify whether the adjudicative process referenced is intended to be a distribution rate application. Further, the CLD notes that the burden to determine an appropriate funding mechanism for a premium wire solution should rest with the requestor and not the LDC. There is potential for significant billing and cost recovery challenges should this rest with the LDC.

#### **Other Issues**

#### *Non-Wires Solutions*

#### CLD Comments:



The CLD appreciates the OEB's intent to further consider the issue of investments in non-wires solutions, as part of a future initiative to implement optimal investment planning decisions by distributors and transmitters. Along with other stakeholders, CLD members continue to support and advocate for regulatory reforms which are in step with the ongoing evolution of the sector and which will facilitate the delivery of innovative, cost-effective solutions and services to customers. The CLD welcomes the OEB's launch of such an initiative and is keen to contribute to its success. We urge the OEB to assign this initiative priority status and to move forward with execution in a timely manner.

Furthermore, the CLD observes that there are numerous examples of such initiatives in other jurisdictions from which Ontario stakeholders can draw lessons and guidance. These include New York State's paradigm developed under the Reforming the Energy Vision initiative, which adopts a sensible approach that benefits customers and LDCs.

## **NEXT STEPS**

The CLD observes that OEB staff have previously acknowledged the potential need for additional engagement with stakeholders, subsequent to the receipt of public comments on proposed code amendments in this proceeding. This acknowledgement was based on a recognition of the anticipated breadth of the proposed amendments and the issues of critical importance falling under their scope.

At this time, the CLD urges the OEB to move forward in a manner consistent with this prior acknowledgement. As outlined above, the CLD has offered numerous recommendations for additional analysis and clarification on several critical issues. The CLD respectfully requests an opportunity for additional dialogue between affected stakeholders and OEB staff on these matters.

If you have any questions with respect to the above, please contact the undersigned.

Sincerely,

Andrew J. Sasso  
Toronto Hydro-Electric System Limited



Indy J. Butany-DeSouza

Alectra Utilities Corporation

(905) 821-5727

[indy.butany@alecrautilities.com](mailto:indy.butany@alecrautilities.com)

Gregory Van Dusen

Hydro Ottawa Limited

(613) 738-5499 x7472

[GregoryVanDusen@hydroottawa.com](mailto:GregoryVanDusen@hydroottawa.com)

Andrew J. Sasso

Toronto Hydro-Electric System Limited

(416) 542-7834

[asasso@torontohydro.com](mailto:asasso@torontohydro.com)

George Armstrong

Veridian Connections Inc.

(905) 427-9870 x2202

[garmstrong@veridian.on.ca](mailto:garmstrong@veridian.on.ca)