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October 25, 2019

Delivered by Email, RESS and Courier

Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
2300 Yonge Street, 27th Floor
Toronto, ON M4P 1E4

Dear Ms. Walli:

Re: OEB File No. EB-2019-0032

**ENWIN Utilities Ltd. Application for Approval of Distribution Rates and Other
Charges Effective January 1, 2020**

Reply Submissions

Pursuant to the Procedural Order No. 4 dated September 30, 2019, please find enclosed EnWin Utilities Ltd. Reply Submission in the above proceeding.

Yours very truly,

BORDEN LADNER GERVAIS LLP

Per:

Original signed by John A.D. Vellone

John A.D. Vellone

cc: EB-2019-0032 Parties

ONTARIO ENERGY BOARD

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

AND IN THE MATTER OF an application made by ENWIN Utilities Ltd. under
Section 78 of the *Ontario Energy Board Act, 1998* S.O. 1998, c. 15, (Schedule B)
for an order approving just and reasonable rates and other charges for electricity
distribution beginning January 1, 2020.

**ENWIN UTILITIES LTD.
REPLY SUBMISSIONS**

October 25, 2019

A. INTRODUCTION

1. On April 26, 2019, ENWIN Utilities Ltd. (“**ENWIN**” or the “**Applicant**”) filed with the Ontario Energy Board (the “**OEB**” or “**Board**”) an application under Section 78 of the Ontario Energy Board Act, 1998 S.O. 1998, c.15, Sched. B (the “**Act**”) seeking an order approving just and reasonable rates and other charges for electricity distribution beginning January 1, 2020 (the “**Application**”).¹
2. On September 24, 2019, ENWIN filed a Settlement Proposal with the OEB representing a settlement of all but one issue in this Application (the “**Settlement Proposal**”). The Parties were unable to agree on the following unsettled issue:

Is ENWIN Utilities’ proposal to eliminate the intermediate rate class appropriate?

3. Pursuant to Procedural Order No. 4, the Applicant filed its argument-in-chief on the unsettled issue on October 4, 2019 (“**AIC**”).² The Applicant affirms and relies on the submissions made in its AIC. Capitalized terms used in this reply but not defined herein have the meaning ascribed to those terms in the AIC.
4. This represents the Applicant’s reply to the submissions dated October 16, 2019 from OEB Staff (“**Staff Submissions**”)³ and Association of Major Power Consumers of Ontario (“**AMPCO**”) (“**AMPCO Submissions**”).⁴
5. The Applicant did not receive any submissions from the Consumers’ Counsel of Canada (“**CCC**”), School Energy Coalition (“**SEC**”) or the Vulnerable Energy Consumers

¹ EB-2019-0032 – ENWIN’s 2020 Cost of Service Application dated April 26, 2019.

² EB-2019-0032 – ENWIN’s Argument-in-Chief dated October 4, 2019.

<http://www.rds.oeb.ca/HPECMWebDrawer/Record/654475/File/document>

³ EB-2019-0032 – OEB Staff Submission on the Unsettled Issue dated October 16, 2019.

<http://www.rds.oeb.ca/HPECMWebDrawer/Record/655399/File/document>

⁴ EB-2019-0032 – AMPCO Submission on Unsettled Issue 3.3 dated October 16, 2019.

<http://www.rds.oeb.ca/HPECMWebDrawer/Record/655429/File/document>

Coalition (“VECC”) on the unsettled issue. The Applicant assumes that these parties take no position on the unsettled issue.

B. REPLY TO THE PARTIES SUBMISSIONS

(i) OEB Staff Agrees with ENWIN’s Policy Rationale to Combine the GS 50-4,999 kW Class and the Intermediate Class

6. From a general rate-making perspective, OEB Staff agrees with ENWIN that the elimination of the Intermediate Class makes sense as a matter of rate design.⁵ In OEB Staff’s view, it is a basic principle of ratemaking that like customers should be treated alike. However, this is not currently the case for some of ENWIN’s customers due to a historical anomaly of the overlapping classes.
7. OEB Staff is generally supportive of ENWIN’s proposed approach of consolidating the General Service 50 – 4,999 kW Class (the “**GS 50-4,999 kW Class**”) and the General Service 3,000 to 4,999 kW Class (the “**Intermediate Class**”) and stated that the approach is consistent with most other electricity distributors in the province.⁶ In addition, OEB Staff is not aware of any other distributors that have overlapping rate classes.⁷
8. OEB Staff agrees with ENWIN that the proposed merger of classes does not have a significant impact on the allocation of costs to other customer classes. For example, for Residential Class customers, 53.57% of the total service revenue requirement is allocated to the Residential class customers under the proposed combined approach whereas it is 53.51% under an uncombined scenario.⁸
9. ENWIN calculated the bill impacts for the three existing Intermediate Class customers using the proposed rates arising from the Settlement Proposal as compared to existing rates (the “**Bill Impact Summary**”).⁹ OEB Staff acknowledge that the results of this calculation

⁵ EB-2019-0032 – OEB Staff Submission on the Unsettled Issue dated October 16, 2019 at page 1.

⁶ Ibid at page 3.

⁷ Ibid.

⁸ Ibid at page 4.

⁹ EB-2019-0032 - Bill Impact Summary_Two Scenarios dated September 24, 2019.

<http://www.rds.oeb.ca/HPECMWebDrawer/Record/653523/File/document>

shows that there is an estimated overall total bill decrease for all three customers in the Intermediate Class under ENWIN's proposal.¹⁰

10. OEB Staff also provided their own counterfactual bill impact comparison for the three Intermediate Class customers based on an illustrative scenario where the GS 50 – 4,999 kW Class and the Intermediate Class were maintained, and compared this against ENWIN's proposal. This is contained within Tables 1 to 3 in the Staff Submissions.¹¹ Table 1 in the AMPCO Submissions also attempts to compare ENWIN's proposal to an illustrative scenario where the Intermediate Class was maintained.¹²
11. At the outset, it should be noted that while ENWIN provided illustrative scenarios throughout the course of the proceeding in an effort to be responsive to the questions of parties, ENWIN never proposed to maintain the Intermediate Class. Given the longstanding issues with the rate class that needed to be addressed, as further described in the AIC, a solution was required. Therefore, maintaining the Intermediate Class in its current form was not a reasonable option, and thus comparisons based upon such a scenario materializing are not reflective of a reasonable outcome, as they do not consider the need to address the inherent problems with the rate class in the first place. However, ENWIN notes that OEB Staff's counterfactual analysis directly addresses AMPCO's apparent concern that the Bill Impact Summary comparison is missing a status quo scenario with the 2020 total bill impacts if these customers remained in the Intermediate Class and do not move to the GS 50 – 4,999 kW Class.¹³
12. OEB Staff encouraged ENWIN to confirm or provide corrections to their analysis in its reply submission.¹⁴ ENWIN has reviewed the OEB Staff calculations and agrees they appear to accurately capture the estimated impacts on the three Intermediate customers based on ENWIN's proposal and the illustrative scenario provided with the filing of

¹⁰ EB-2019-0032 – OEB Staff Submission on the Unsettled Issue dated October 16, 2019 at pages 4-5.

¹¹ Ibid at pages 5 and 7.

¹² EB-2019-0032 – AMPCO Submission on Unsettled Issue 3.3 dated October 16, 2019 at page 5.

¹³ Ibid at page 4.

¹⁴ EB-2019-0032 – OEB Staff Submission on the Unsettled Issue dated October 16, 2019 at page 5.

additional evidence on September 24, 2019¹⁵, save for one apparent minor error. Specifically, in Table 3, which depicts the estimated impact over the May 1 to December 31, 2020 time period, the 2018 LRAMVA DVA rate rider appears to have been removed from the “Volumetric Rate Riders” column (Column C) in deriving the “Total Monthly Bill Impact After Tax” (Column G), but the related amount appears to have not been removed from the “Total Bill \$ (Proposed 2020 Settlement)” column (Column H), which shows the original, unadjusted figures from ENWIN’s proposal shown in the Bill Impact Summary. As a result, the Bill Impact Differential calculated in Column I would be slightly incorrect, as it is comparing a figure without the 2018 LRAMVA DVA rate rider to a figure which includes it. ENWIN does not believe that this correction would result in a material difference, however.

13. ENWIN has also reviewed AMPCO’s Table 1 and notes the following issues:
 - (i) The first row in Table 1 shows estimates made at the interrogatory stage of the proceeding and reflects calculations and the forecast assumptions (e.g. the revenue requirement) at that time. It is not appropriate to compare these old estimates to the bill impacts that resulted after the Settlement Proposal as provided in row 2.
 - (ii) In the second row of Table 1, AMPCO indicates it expects the estimated difference between the scenarios for its Intermediate customer to be greater than the \$12,227.58/month from row 1 due to its customer having a higher demand.¹⁶ This is inaccurate as is shown in OEB Staff’s Table 2, row #1, Column G, which shows the difference is actually estimated to be \$5,718/month.¹⁷ This highlights the fact that the two scenarios cannot be compared to begin with.
14. Based on the above, it’s clear that the premise of AMPCO’s claimed “more than \$144,000 per year” total bill impact for its customer is incorrect.¹⁸ In deriving its estimated impact, AMPCO has incorrectly compared forecasts prepared at two different points in time, and more importantly, has compared ENWIN’s proposal against an illustrative scenario that

¹⁵ EB-2019-0032 - ENWIN_2020_Tariff_Schedule_and_Bill_Impact_Model_Partial - 3TS and FA Scenario - 20190904_20190924.

<http://www.rds.oeb.ca/HPECMWebDrawer/Record/653526/File/document>

¹⁶ EB-2019-0032 – AMPCO Submission on Unsettled Issue 3.3 dated October 16, 2019 at page 5.

¹⁷ EB-2019-0032 – OEB Staff Submission on the Unsettled Issue dated October 16, 2019 at page 7.

¹⁸ EB-2019-0032 – AMPCO Submission on Unsettled Issue 3.3 dated October 16, 2019 at page 7.

does not address all the problems with the existing rate class. AMPCO's position has focused on the distribution bill impact for a small group of customers¹⁹, but has ignored the overall favourable total bill impacts and has not considered the impacts on all other customers. On the other hand, OEB Staff correctly notes that if ENWIN's proposal to eliminate the Intermediate Class were accepted, the three customers now in that class would see an estimated overall bill decrease compared to 2019.

15. However, OEB Staff goes on to note that if the Intermediate Class were to be maintained, those same customers may see an even larger decrease.²⁰
16. ENWIN notes that even if the basis for comparison in the counterfactual analysis were to be accepted (comparing ENWIN's proposal for 2020 rates to an illustrative scenario of another option for 2020 rates), OEB Staff itself described the total bill impacts differences as "modest", ranging from 4.61% down to 3.54% for the most impacted customer.²¹ While ENWIN submits this is not the proper basis under which to determine the impact of its proposal, even if it were to be accepted, this range is well below the OEB's greater than 10% total bill impact threshold required for rate mitigation.²²
17. ENWIN acknowledges that some customers may see an increase in distribution rates because of its proposal to consolidate the Intermediate Class and the GS 50-4,999 kW Class. Cost allocation and rate design are ultimately a "zero sum" exercise. However, ENWIN submits that a balance must be struck to achieve a just and reasonable outcome amongst all customers. ENWIN notes that even on the surface, the current rate design of the Intermediate Class indicates the need for change. Customers in the existing Intermediate Class have a lower fixed and variable distribution charge than the Large Use Regular class²³ (those directly above them in the rate structure), and as noted above, receive more favourable total distribution bill impacts compared to those in the GS 50 – 4,999 kW

¹⁹ Ibid at page 3.

²⁰ EB-2019-0032 – OEB Staff Submission on the Unsettled Issue dated October 16, 2019 at page 8.

²¹ Ibid.

²² Exhibit 8, Section 8.14.3 at page 20.

²³ EB-2018-0029 - ENWIN Utilities Ltd. Decision and Rate Order dated March 28, 2019.

<http://www.rds.oeb.ca/HPECMWebDrawer/Record/638347/File/document>

Class (those directly below them in the rate structure). This benefit for this small group of customers is a by-product of the historical anomaly created by the Intermediate Class that ENWIN is now seeking to remedy.

18. In the end, ENWIN's proposal would address the identified concerns with the existing class definition while still allowing for these customers to receive an overall estimated total bill decrease. ENWIN submits this is a reasonable outcome, and the present Application provides the perfect opportunity to address the overlapping rate class issue while at the same time smoothing out longer-term rate impacts for all affected customers.

(ii) Customer Engagement

19. Both OEB Staff²⁴ and AMPCO²⁵ raised concerns about ENWIN's customer engagement efforts on the proposed merger of the GS 50-4,999 kW Class and the Intermediate Class. Both argue that ENWIN should have communicated its proposed rate class mergers with the affected customers.²⁶ OEB Staff also requested for ENWIN to provide the nature of the associated bill impact analysis provided to the subject customers.²⁷
20. The facts on the record are that ENWIN did communicate its proposed rate class merger with all directly affected customers. Specifically:

(i) In response to OEB Staff IR 7-Staff-115:

“ENWIN's key Account Supervisor is in the process of contacting the three existing customers in the Intermediate class. ENWIN will provide a copy of the customers' responses.”

(ii) In response to OEB Staff Pre-Settlement Clarification Question 16:

²⁴ EB-2019-0032 – OEB Staff Submission on the Unsettled Issue dated October 16, 2019 at pages 8-9.

²⁵ EB-2019-0032 – AMPCO Submission on Unsettled Issue 3.3 dated October 16, 2019 at pages 2-3.

²⁶ EB-2019-0032 – OEB Staff Submission on the Unsettled Issue dated October 16, 2019 at page 9; EB-2019-0032 – AMPCO Submission on Unsettled Issue 3.3 dated October 16, 2019 at page 2.

²⁷ EB-2019-0032 – OEB Staff Submission on the Unsettled Issue dated October 16, 2019 at page 10.

“ENWIN Utilities confirms that all three Intermediate customers have been provided the associated bill impacts related to ENWIN Utilities’ proposal to combine rates classes. ENWIN Utilities will provide any feedback received upon receipt.”

21. ENWIN confirms that the bill impacts provided to the three Intermediate customers outlined the estimated bill impacts of ENWIN’s proposal for rates effective January 1, 2020 compared to the customer’s estimated total bills under existing rates today.
22. Contrary to the submissions of OEB Staff that there is nothing on the record about the concerns of these three customers, the AMPCO Submissions represent the concerns and feedback from one (1) of the three (3) directly affected customers. ENWIN confirms no feedback has been received from the other two affected customers.
23. OEB Staff and AMPCO’s concern appears to instead focus on the fact that ENWIN did not engage with the affected customers on this issue prior to submitting its Application.
24. ENWIN understands and takes seriously the importance of customer engagement, which is foundational to the Renewed Regulatory Framework.
25. This is why ENWIN engaged Innovative Research Group Inc. (“**Innovative**”), the leading customer engagement advisory firm in Ontario, to conduct a broad and multi-faceted research to gain specific insights into ENWIN’s customer’s priorities, needs and preferences in support of the development of ENWIN’s rate application.²⁸
26. As is detailed in Exhibit 1 of the Application, Innovative guided ENWIN through the consultation process to build a process that was based on five key principles:
 - (i) Ensure all ENWIN customers have an opportunity to be heard.

²⁸ Exhibit 1, Section 1.7.2 at pages 45-47.

- (ii) Use random-sampling research elements to ensure a representative sample of customers are engaged.
 - (iii) Create open voluntary processes that allow anyone who wants to be heard an opportunity to express themselves.
 - (iv) Focus on fundamental value choices. Look for questions that ask people to choose between key outcomes rather than focus on the technical questions of how to reach those outcomes.
 - (v) Create an opportunity for customers to learn the basics of the distribution system so they can provide a more informed point of view.²⁹
27. Based on the principles outline above, ENWIN and Innovative collaborated to design a multifaceted customer engagement program, which included a combination of qualitative and quantitative research elements. The consultation was designed to engage multiple rate classes and collect feedback on their priorities, needs and preferences as they relate to ENWIN's service delivery and the capital investment and operational spending required in order to deliver the services customers' value.³⁰
28. A complete copy of the Innovative customer engagement report prepared for ENWIN is included in evidence at Exhibit 2, Attachment 2-A, Appendix B. This 226 page long report documents a broad ranging customer engagement exercise that covered all customer classes and canvassed a wide range of different issues.
29. ENWIN submits that the evidence it has filed on its customer engagement activities clearly met the Board's broader Chapter 2 Filing Requirements and Renewed Regulatory Framework requirements as it relates to customer engagement in respect of the Application.

²⁹ Ibid at page 46.

³⁰ Ibid.

30. If the OEB believes in its final decision and order in this case that consultations on rate design when utilities propose to eliminate overlapping rate classes should occur prior to filing a rate application, ENWIN submits that it would be helpful for the OEB to amend its Chapter 2 Filing Requirements to make this requirement explicit. For example, and in direct contrast to this issue, the Chapter 2 Filing Requirements state explicitly at Page 46:

“The OEB expects distributors to document their communications with unmetered load customers, including street lighting customers, and how the distributor assisted them in understanding the regulatory context in which distributors operate and how it affects unmetered load customers. Such communication should take place when proposing changes to the level of the rates and charges, or the introduction of new rates and charges.”

31. While ENWIN accepts that the OEB may clarify its expectations with regards to customer engagement on this topic, ENWIN submits that it would be inappropriate for the Board to reject ENWIN's proposal to consolidate its GS 50-4,999 kW Class and the Intermediate Class on this basis.
32. The fact is that ENWIN did consult with all directly affected customers, and that while ENWIN values the input received from those customers, ENWIN believes that the overlapping rate structure and the other associated anomalies is a material concern that needs to be addressed in this Application – and not in another application that may occur five years into the future.

(iii) The Historical Rationale for Existing Overlapping Rate Class Definitions is Unknown

33. OEB Staff notes that although ENWIN provided the rationale for the elimination of the overlapping classes, ENWIN did not provide any information regarding when, how and why this unique situation occurred in the first place.³¹ Having said that, OEB Staff stated that if ENWIN provides the OEB with a satisfactory explanation as to why the conditions

³¹ EB-2019-0032 – OEB Staff Submission on the Unsettled Issue dated October 16, 2019 at page 9.

or reasons that gave rise to the grandfathering are no longer relevant or appropriate, then OEB staff would not be opposed to the OEB accepting ENWIN's proposal.³²

34. As may be expected, ENWIN's staff has changed over considerably in the first 20 years since market opening. There are no individuals remaining at ENWIN that have direct knowledge of the specific reasons why the overlapping classes were created to begin with.
35. ENWIN has done a detailed review of its historical records to determine whether any additional information on this issue could be identified.
36. ENWIN notes the following as a result of its review:

- (i) In its Application and Evidence for 2006 Distribution Rates filed August 12, 2005 (RP-2005-0020/EB-2005-0359), at Schedule 9-2 ENWIN identified its Intermediate Class as a "*special class*" where the customer's individual load exceeded "*10 per cent of the total load supplied by ENWIN within [its] service territory*". ENWIN also noted that "*This customer class is to be reviewed in the future and no new customers shall be assigned to it.*"

This is attached as Appendix "A" to these submissions.

- (ii) In its Decision and Rate Order issued May 4, 2006 (RP-2005-0020/EB-2005-0359) (the "**Original 2006 Decision**"), the Board defined the Intermediate Class as "General Service 3,000 – 4,999 kW" with largely the same definition as contained within ENWIN's Schedule 9-2, however the definition of the other class was defined as "General Service 50 – 2,999 kW". That is to say, as of May 4, 2006, there was no overlap between the classes in the Original 2006 Decision.

³² Ibid.

The Original 2006 Decision is attached as Appendix "B" to these submissions.

(iii) The definition of the General Service 3,000-4,999 kW rate classification included in the Original 2006 Decision stated as follows:

"This customer class is to be reviewed in the future and no new customers shall be assigned to it." [Emphasis Added]

(iv) The Original 2006 Decision was subsequently revised by the OEB, first on May 10, 2006 (the "**First Revised 2006 Decision**") and again on January 10, 2007 (the "**Second Revised 2006 Decision**"). In the First Revised 2006 Decision, for a reason that is not explained in the revised decision, the definitions of the rate classes were changed:

- i. from "General Service 50-2,999 kW" to "General Service 50-4,999 kW" - thereby creating the problematic overlap; and
- ii. the "General Service 3,000-4,999 KW" class definition was changed to read as it does today by adding the word "Intermediate" and by adding the condition "and was classified as Time of Use prior to market opening."

The First Revised 2006 Decision is attached as Appendix "C" to these submissions. These new overlapping class definitions were maintained in the Second Revised 2006 Decision, which is attached as Appendix "D" to these submissions.

37. Based on the foregoing, ENWIN is unable to definitively explain why the overlapping class definitions were created. However, it is evident that at one point in time, the Intermediate Class definition may have been premised on the customers in the class exceeding 10% of the total load supplied by ENWIN within its service territory, which is no longer the case

for the existing Intermediate Class customers.³³ Further, the historical rationale does not detract from the assessment of whether a change is needed today. No evidence or rationale has been provided supporting why the existing overlap should be maintained, or how the current Intermediate Class' grandfathering language referring to market opening is a relevant distinction that has a place in the present-day electricity market in Ontario.

38. As noted in the AIC at paragraph 14, this issue came to light again during ENWIN's last cost of service proceeding in EB-2008-0227. At that time, ENWIN chose to maintain the existing classification based on the pre-market opening classification and await the outcome of the Board's ongoing consultation in respect of Rate Design (EB-2007-0031).
39. The present Application has provided the next available opportunity to address this issue, and ENWIN has proposed to do so in a manner that it feels is fair and equitable by combining the existing GS 50-4,999 kW Class and the Intermediate Class.

(iv) Changing the Existing Intermediate Class Definition Will Perpetuate Unjust Discrimination Between Otherwise Similarly Situated Customers

40. Instead of eliminating the Intermediate Class, in its argument AMPCO suggests a different solution to address this historical anomaly by revising the definition of Intermediate Class to remove the section "and were classified as Time of Use prior to market opening" from the class definition and presumably by removing the overlap between the two classes by narrowing the definition for the GS 50-4,999 kW Class.³⁴ AMPCO believes that this would eliminate the unusual situation of placing customers with otherwise similar cost drivers into a different rate classification.³⁵
41. ENWIN does not agree with this approach. Clearly, there is much more involved in creating a new rate class than just removing a few words from an existing tariff definition. The concept of creating a new stand-alone Intermediate Class is not ENWIN's proposal,

³³ Appendix B at page 7.

³⁴ EB-2019-0032 – AMPCO Submission on Unsettled Issue 3.3 dated October 16, 2019 at page 6.

³⁵ Ibid.

nor is there any evidence filed on the record of this proceeding on this new idea. No party, including AMPCO, asked for evidence on this alternative throughout the hearing process.

42. In addition, no customers have been informed of this new approach. This is surprising given AMPCO's apparent concern about customer engagement. There are directly affected customers that are currently in the GS 50-4,999 kW Class that would have to be moved to the Intermediate Class if AMPCO's suggestion was followed. None of these customers have been advised of this proposal (unlike ENWIN's proposal where the Board can be confident that all customers have been advised of the change).
43. In addition, ENWIN does not believe that AMPCO's proposal aligns with broader public policy objectives or generally accepted ratemaking principles. AMPCO's proposal is an attempt to maintain the existing rate treatment for existing Intermediate Class customers. However, AMPCO's proposal would extend that preferential treatment to even more customers, thereby increasing the rate burden on all other customer classes.
44. Unlike ENWIN's proposal, this AMPCO proposal would not be more economically efficient nor would it result in a fair allocation of costs amongst customers. In addition, the AMPCO proposal would result in the perpetuation of differing treatments between otherwise similar customers with similar cost drivers. Creating a new rate class would require a holistic review of all of ENWIN's existing customers and rate classes to ensure all required rate design considerations were taken into account, and that any new rate structures are logical and complement each other on an overall basis. It is not as simple as taking the existing Intermediate Class and removing a few words from its definition as AMPCO suggests, nor would it be appropriate to undertake this large-scale undertaking at this stage of the proceeding.

(v) Other

45. AMPCO also submitted that the average monthly demand for the GS>50 kW class is 200 kW, a fraction of the demand of AMPCO's member, which was estimated at 4,168 kW.³⁶

³⁶ Ibid at page 5.

In supporting that the rate classes remain separate, AMPCO noted the specific drivers of consumption for the Intermediate Class are significantly different from the GS>50 kW class.³⁷

46. ENWIN does not agree. As explained in its AIC, ENWIN currently has existing customers whose demands are similar in exceeding 3,000 kW but being less than 4,999 kW – but they are currently included in the GS 50-4,999 kW Class because they were not “classified as Time of Use prior to market opening.” There is no meaningful electrical differences from a cost causality perspective between these “new” customers included in the GS 50-4,999 kW Class and “legacy” customers grandfathered into the Intermediate Class.
47. As stated by the OEB Staff, they are not aware of any other distributors that have overlapping rate classes and that the consolidation of GS 50-4,999 kW Class and the Intermediate Class is consistent with most other electricity distributors in the province.³⁸
48. Finally, OEB Staff submits that, with reference to the tables in its submission, it would appear that customer #3 in the Intermediate Class would need to be re-classified as a GS 50-4,999 kW Class customer, assuming the monthly peak demand of 1,935 kW (below the 3,000 kW threshold for the Intermediate Class) represents its average monthly peak demand in 2020.³⁹ ENWIN confirms this customer would be re-classified if its annual demand remained below the 3,000 kW level, assuming ENWIN’s proposal for class consolidation was not approved. This would leave only two customers in the Intermediate Class on a go forward basis.

C. CONCLUSION

49. The evidence and arguments of the Applicant in this proceeding have clearly demonstrated the need and appropriateness of consolidating GS 50-4,999 kW Class and the Intermediate

³⁷ Ibid.

³⁸ EB-2019-0032 – OEB Staff Submission on the Unsettled Issue dated October 16, 2019 at page 3.

³⁹ Ibid at page 8.


Class. No other reasonable solutions have been offered to address the concerns with the existing Intermediate Class.

50. OEB Staff Submissions are generally supportive of the consolidation, and ENWIN has addressed OEB Staff's comments about customer engagement and the historical rationale of the anomaly above in this reply argument.
51. The Applicant therefore submits that ENWIN's proposed approach of consolidating the General Service 50 – 4,999 kW Class and the Intermediate Class should be approved.

All of which is respectfully submitted this 25th day of October, 2019.

BORDEN LADNER GERVAIS LLP

Per:



John A. D. Vellone

Appendix “A”

Schedule 9-2 Customer Eligibility Criteria

A distributor must complete the applicable sections of this Schedule to indicate the eligibility criteria that it uses to determine a specific customer's rate classification.

Material for this schedule is typically included in Section 3 of a distributor's Conditions of Service.

To indicate the type of material being requested and to assist in completing the schedule, sample inputs have been provided in a few sections. A distributor must over-ride these examples and fill in the material for **all** its applicable customer classifications.

Customer Classification

Residential

Regular:



A customer qualifies for residential rate classification if their service is a 120/240 V single-phase supply to a single-family dwelling, duplex, triplex, 4-plex or 6-plex, townhome or multi-unit - individually metered apartment, located on a parcel of land zoned by the City of Windsor Building Department for domestic or household purposes and where the Customer uses the dwelling as a home. Where a customer operates an advertised business from a building that may or may not be used as a dwelling, ENWIN may elect to deem that the Customer's rate class will be General Service.

Time of Use:

Urban:

Suburban:

Other (specify):

General Service

Less than 50 kW:



A non-residential customer qualifies for a rate classification of General Service < 50 kW if within the last 24 months their monthly peak demand load has not exceeded 50 kW or for a new customer is not expected to exceed 50 kW. On a temporary basis, existing General Service < 50 kW customers whose monthly peak demand has exceeded 50 kW but less than 100 kW in the last 24 months, shall not be reclassified to a General Service > 50 kW rate class in order to comply with OEB Decision with Reasons - RP-2000-0069).

Less than 50 kW Time of Use:

Other <50 kW (specify)

Greater than 50 kW:



A non-residential customer qualifies for a rate classification of General Service > 50 kW if within the last 24 months their monthly peak demand load has exceeded 50 kW or for a new customer is expected to exceed 50 kW. On a temporary basis, existing General Service < 50 kW customers whose monthly peak demand has exceeded 50 kW but less than 100 kW in the last 24 months, shall not be reclassified to a General Service > 50 kW rate class in order to comply with OEB Decision with Reasons - RP-2000-0069).

Other >50 kW (specify):

Intermediate Use:



A customer is in this special class when their individual load is over 3000 kW but less than 5000 kW, averaged over 12 consecutive months, and exceeds 10 per cent of the total load supplied by ENWIN within our service territory. The premises for this class of customer is considered a structure or structures located on a parcel of land occupied by one customer and is predominantly used for intermediate sized commercial, institutional or industrial purposes. This customer class is to be reviewed in the future and no new customers shall be assigned to it.

Large Use - Remaining:



A customer is in the large use rate class when their monthly peak load, averaged over 12 consecutive months, is equal to or greater than 5,000 kW. The premises for this class of customer is predominantly used for large industrial or institutional purposes located on a parcel of land occupied by a single customer.

Unmetered Scattered Load: ☒

This classification refers to an account taking electricity at 750 volts or less whose monthly average peak demand is less than, or is forecast to be less than 50 kW and the consumption is unmetered. Such connections include cable TV power packs, bus shelters, telephone booths, traffic lights, railway crossings, etc.

Back- up/Standby Power: ☒

Other (specify): Large Use - 3 TS: ☒

This classification refers to customers whose monthly peak load, averaged over 12 consecutive months, is equal to or greater than 5,000 kW and the premise is serviced by a dedicated Transformer Station.

Other (specify): Large Use - Ford Annex: ☒

This classification refers to a customer whose monthly peak load, averaged over 12 consecutive months, is equal to or greater than 5,000 kW and the premise is serviced by a dedicated Transformer Station.

Lighting

Sentinel Lighting ☒

This classification refers to an account for exterior parkway lighting with various parties, controlled by photo cells.

Street Lighting: ☒

This classification refers to an account for roadway lighting with the City of Windsor, controlled by photo cells. The consumption for these customers will be based on the calculated load times the required lighting times established in the approved OEB street lighting load shape profile.

Other

Other (specify):

Appendix “B”

Ontario Energy
Board

Commission de l'Énergie
de l'Ontario



RP-2005-0020
EB-2005-0359

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 EnWin
Powerlines Limited for an order or orders approving or
fixing just and reasonable distribution rates and other
charges, effective May 1, 2006.

BEFORE: Cynthia Chaplin
Presiding Member

Paul Sommerville
Member

DECISION AND ORDER

EnWin Powerlines Limited (“EnWin” or the “Applicant”) is a licensed distributor providing electrical service to consumers within its defined service area. EnWin filed an application (the “Application”) with the Ontario Energy Board (the “Board”) for an order or orders approving or fixing just and reasonable rates for the distribution of electricity and other matters, to be effective May 1, 2006.

EnWin is one of over 90 electricity distributors in Ontario that are regulated by the Board. To streamline the process for the approval of distribution rates and charges for these distributors, the Board developed and issued the *2006 Electricity Distribution Rate Handbook* (the “Handbook”) and complementary spreadsheet-based models. These materials were developed after extensive public consultation with distributors, customer groups, public and environmental interest groups, and other interested parties. The Handbook contains requirements and guidelines for filing an application. The models

- 2 -

determine the amounts to be included for the payments in lieu of taxes ("PILs") and calculate rates based on historical financial and other information entered by the distributor.

Also included in this process was a methodology and model for the final recovery of regulatory assets flowing from the Board's December 9, 2004 decision *Review and Recovery of Regulatory Assets – Phase 2*, which was for Toronto Hydro, London Hydro, Enersource Hydro Mississauga and Hydro One. In Chapter 10 of that decision, the Board outlined a Phase 2 process for the remaining distributors. By letter of July 12, 2005, the Board provided guidance and a spreadsheet-based model to the distributors for the inclusion of this recovery as part of their 2006 distribution rate applications.

In its preliminary review of the 2006 rate applications received from the distributors, the Board identified several issues that appeared to be common to many or all of the distributors. As a result, the Board held a hearing (EB-2005-0529) to consider these issues (the "Generic Issues Proceeding") and released its decision (the "Generic Decision") on March 21, 2006. The rulings flowing from that Generic Decision apply to this Application, except to the extent noted in this Decision. The Board notes that pursuant to ss. 21 (6.1) of the *Ontario Energy Board Act, 1998*, and to the extent that it is pertinent to this Application, the evidentiary record of the Generic Issues Proceeding is part of the evidentiary record upon which the Board is basing this Decision.

In December 2001, the Board authorized the establishment of deferral accounts by the distributors related to the payments that the distributors make to the Ministry of Finance in lieu of taxes. The Board is required, under its enabling legislation, to make an order with respect to non-commodity deferral accounts once every twelve months. The Board has considered the information available with respect to these accounts and orders that the amounts recorded in the accounts will not be reflected in rates as part of the Rate Order that will result from this Decision. The Board will continue to monitor the accounts with a view to clearing them when appropriate.

Public notice of the rate Application made by EnWin was given through newspaper publication in its service area. The evidence filed was made available to the public. Interested parties intervened in the proceeding.

On November 4, 2005, the Board issued Procedural Order No. 1, which indicated in part that the Board would proceed by way of an oral hearing with respect to issues specific to the EnWin application, and that EnWin's Comprehensive Regulatory Asset Review would be heard in a combined hearing with other applicants. Subsequently, on November 28, 2005, the Board issued Procedural Order No. 2, which combined the EnWin Comprehensive Regulatory Asset Review with its main 2006 rates application.

On February 8 and 9, 2006, a Settlement Conference was conducted and on February 15, 2006, EnWin filed a Settlement Proposal of the Applicant and the Intervenor with the Board, which dealt with all the issues on the Board's Issues List.

On February 17, 2006, the Settlement Proposal was presented to and accepted by the Board.

On February 22, 2006, EnWin filed with the Board revised application models to reflect the Settlement Proposal. The Board examined those models and determined that they did not fully reflect the rate consequences of the approved Settlement Proposal, and accordingly directed EnWin to refile the models. EnWin submitted the refiled models to the Board on April 26, 2006.

The Board has examined the April 26 refiling and concludes that the rates set out in it are in accordance with the Settlement Agreement approved by the Board. Accordingly, the Board will implement these rates, subject to modifications arising out of the Generic Decision, as discussed in the following sections.

Consequences of the Generic Decision on this Application

The Generic Decision contains findings relevant to funding for smart meters for electricity distributors. The Applicant did not file a specific smart meter investment plan or request approval of any associated amount in revenue requirement. Absent a specific plan or discrete revenue requirement, the Generic Decision provides that \$0.30 per residential customer per month be reflected in the Applicant's revenue requirement. The Board finds that this increase in the revenue requirement amount will be allocated equally to all metered customers and recovered through their monthly service charge. This increment is reflected in the approved monthly service charges contained in the Tariff of Rates and Charges appended to this Decision. Pursuant to the Generic

Decision, a variance account will be established, the details of which will be communicated in due course.

With respect to standby rates, the Generic Decision provided that existing and proposed standby rates should be declared interim upon the effective date of the rates approved in this decision. Given that EnWin proposed to continue its legacy standby rates, those rates are declared interim at the proposed level as of the effective date of the rate order accompanying this Decision.

Resulting Revenue Requirements

As a result of the Board's determinations on these issues, including its acceptance of the Settlement Proposal, the Board finds that the revenue requirement to be recovered through distribution rates and charges is \$49,524,982, including a debit amount of \$783,949 for the recovery of Regulatory Assets.

In its letter of December 20, 2004 to electricity distributors, the Board indicated that it would consider the disposition of the 2005 OEB dues recorded in Account 1508 in this proceeding. However, given that the final 2005 OEB dues are not available because of the difference in fiscal years for the Board and the distributors, and given that the model used to develop the Application does not incorporate this provision, the Board will review and dispose of the 2005 OEB dues at a later time.

Cost Awards

This Application is one of a number of applications before the Board dealing with 2006 rates chargeable by distributors. Intervenors may be parties to multiple applications and, if eligible, their costs associated with a specific distributor may not be separable. Therefore, for these applications, the matter of intervenor cost awards will be addressed by the Board at a later date, upon the conclusion of the current rate applications. If an intervenor that is eligible to recover its costs is able to uniquely identify its costs associated with this Application, it must file its cost claim within 10 days from the receipt of this Decision.

- 5 -

THE BOARD ORDERS THAT:

1. The Tariff of Rates and Charges set out in Appendix A of this Order is approved, effective May 1, 2006, for electricity consumed or estimated to have been consumed on and after May 1, 2006. The application of the revised distribution rates shall be prorated to May 1, 2006. If EnWin Powerlines Limited's billing system is not capable of prorating changed loss factors jointly with distribution rates, the revised loss factors shall be implemented upon the first subsequent billing for each billing cycle.
2. The Tariff of Rates and Charges set out in Appendix A of this Order supersedes all previous distribution rate schedules approved by the Ontario Energy Board for EnWin Powerlines Limited, and is final in all respects, except for the standby rates which are approved as interim.
3. EnWin Powerlines Limited shall notify its customers of the rate changes no later than with the first bill reflecting the new rates.

DATED at Toronto, May 4, 2006.

ONTARIO ENERGY BOARD

A handwritten signature in black ink, appearing to read 'P. O'Dell', with a long horizontal line extending to the left.

Peter H. O'Dell
Assistant Board Secretary

Appendix "A"

RP-2005-0020
EB-2005-0359

May 4, 2006

ONTARIO ENERGY BOARD

EnWin Powerlines Limited

TARIFF OF RATES AND CHARGES

Effective May 1, 2006

This schedule supersedes and replaces all previously approved schedules of Rates, Charges and Loss Factors

RP-2005-0020
EB-2005-0359

APPLICATION

- The application of these rates and charges shall be in accordance with the Licence of the Distributor and any Codes, Guidelines or Orders of the Board, and amendments thereto as approved by the Board, which may be applicable to the administration of this schedule.
- No rates and charges for the distribution of electricity and charges to meet the costs of any work or service done or furnished for the purpose of the distribution of electricity shall be made except as permitted by this schedule, unless required by the Distributor's Licence or a Code, Guideline or Order of the Board, and amendments thereto as approved by the Board, or as specified herein.
- This schedule does not contain any rates and charges relating to the electricity commodity (e.g. the Regulated Price Plan).

EFFECTIVE DATES

DISTRIBUTION RATES - May 1, 2006 for all consumption or deemed consumption services used on or after that date.

SPECIFIC SERVICE CHARGES - May 1, 2006 for all charges incurred by customers on or after that date.

LOSS FACTOR ADJUSTMENT – May 1, 2006 unless the distributor is not capable of prorating changed loss factors jointly with distribution rates. In that case, the revised loss factors will be implemented upon the first subsequent billing for each billing cycle.

SERVICE CLASSIFICATIONS

Residential

A customer qualifies for residential rate classification if their service is a 120/240 V single-phase supply to a single family dwelling, duplex, triplex, 4-plex or 6-plex, townhome or multi-unit – individually metered apartment, located on a parcel of land zoned by the City of Windsor Building Department for domestic or household purposes and where the Customer uses the dwelling as a home. Where a customer operates an advertised business from a building that may or may not be used as a dwelling, ENWIN may elect to deem that the Customer's rate class will be General Service.

General Service Less Than 50 kW

A non-residential customer qualifies for a rate classification of General Service Less Than 50 kW if within the last 24 months its monthly peak demand load has not exceeded 50 kW or for a new customer is not expected to exceed 50 kW. On a temporary basis, existing General Service Less Than 50 kW customers whose monthly peak demand has exceeded 50 kW but less than 100 kW in the last 24 months, shall not be reclassified to a General Service 50 to 2,999 kW rate class in order to comply with OEB Decision with Reasons – RP-2000-0069.

General Service 50 to 2,999 kW

A non-residential customer qualifies for a rate classification of General Service 50 to 2,999 kW if within the last 24 months its monthly peak demand load has equaled or exceeded 50 kW or for a new customer is expected to equal or exceed 50 kW but less than 3,000 kW. On a temporary basis, existing General Service Less Than 50 kW customers whose monthly peak demand has exceeded 50 kW but less than 100 kW in the last 24 months, shall not be reclassified to a General Service 50 to 2,999 kW rate class in order to comply with OEB Decision with Reasons – RP-2000-0069.

General Service 3,000 to 4,999 kW

A customer is in this special class when its individual load is equal to or over 3000 kW but less than 5000 kW, averaged over 12 consecutive months, and exceeds 10 per cent of the total load supplied by ENWIN within our service territory. The premises for this class of customer is considered a structure or structures located on a parcel of land occupied by one customer and is predominantly used for intermediate sized commercial, institutional or industrial purposes. This customer class is to be reviewed in the future and no new customers shall be assigned to it.

Large Use - Regular

A customer is in the regular large use rate class when its monthly peak load, averaged over 12 consecutive months, is equal to or greater than 5,000 kW. The premises for this class of customer is predominantly used for large industrial or institutional purposes located on a parcel of land occupied by a single customer.

Large Use – 3TS

This classification applies to a customer whose monthly peak load, averaged over 12 consecutive months, is equal to or greater than 5,000 kW and the premise is serviced by a dedicated Transformer Station.

EnWin Powerlines Limited

TARIFF OF RATES AND CHARGES

Effective May 1, 2006

This schedule supersedes and replaces all previously approved schedules of Rates, Charges and Loss Factors

RP-2005-0020
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Large Use – Ford Annex

This classification applies to a customer whose monthly peak load, averaged over 12 consecutive months, is equal to or greater than 5,000 kW and the premise is serviced by the dedicated Ford Annex Transformer Station.

Unmetered Scattered Load

This classification applies to an account taking electricity at 750 volts or less whose average monthly maximum demand is less than, or is forecast to be less than, 50 kW and the consumption is unmetered. Such connections include cable TV power packs, bus shelters, telephone booths, traffic lights, railway crossings, etc.

Standby Power

This classification refers to an account that has Load Displacement Generation and requires the distributor to provide back-up service.

Sentinel Lighting

This classification refers to an account for exterior parkway lighting with various parties, controlled by photo cells.

Street Lighting

This classification refers to an account for roadway lighting with the City of Windsor, controlled by photo cells. The consumption for these customers will be based on the calculated load times the required lighting times established in the approved OEB street lighting load shape profile.

MONTHLY RATES AND CHARGES

Residential

Service Charge	\$	8.05
Distribution Volumetric Rate	\$/kWh	0.0195
Regulatory Asset Recovery	\$/kWh	0.0041
Retail Transmission Rate – Network Service Rate	\$/kWh	0.0060
Retail Transmission Rate – Line and Transformation Connection Service Rate	\$/kWh	0.0040
Wholesale Market Service Rate	\$/kWh	0.0052
Rural Rate Protection Charge	\$/kWh	0.0010
Regulated Price Plan – Administration Charge	\$	0.25

General Service Less Than 50 kW

Service Charge	\$	22.61
Distribution Volumetric Rate	\$/kWh	0.0143
Regulatory Asset Recovery	\$/kWh	(0.0003)
Retail Transmission Rate – Network Service Rate	\$/kWh	0.0056
Retail Transmission Rate – Line and Transformation Connection Service Rate	\$/kWh	0.0037
Wholesale Market Service Rate	\$/kWh	0.0052
Rural Rate Protection Charge	\$/kWh	0.0010
Regulated Price Plan – Administration Charge	\$	0.25

General Service 50 – 2,999 kW

Service Charge	\$	300.01
Distribution Volumetric Rate	\$/kW	3.0625
Regulatory Asset Recovery	\$/kW	(0.3872)
Retail Transmission Rate – Network Service Rate	\$/kW	1.9208
Retail Transmission Rate – Line and Transformation Connection Service Rate	\$/kW	1.3136
Wholesale Market Service Rate	\$/kWh	0.0052
Rural Rate Protection Charge	\$/kWh	0.0010
Regulated Price Plan – Administration Charge (if applicable)	\$	0.25

EnWin Powerlines Limited

TARIFF OF RATES AND CHARGES

Effective May 1, 2006

**This schedule supersedes and replaces all previously
approved schedules of Rates, Charges and Loss Factors**

RP-2005-0020
EB-2005-0359

General Service 3,000 to 4,999 kW

Service Charge	\$	400.80
Distribution Volumetric Rate	\$/kW	0.3703
Regulatory Asset Recovery	\$/kW	(0.0837)
Retail Transmission Rate – Network Service Rate	\$/kW	2.6031
Retail Transmission Rate – Line and Transformation Connection Service Rate	\$/kW	1.7802
Wholesale Market Service Rate	\$/kWh	0.0052
Rural Rate Protection Charge	\$/kWh	0.0010
Regulated Price Plan – Administration Charge (if applicable)	\$	0.25

Large Use – Regular

Service Charge	\$	5,964.18
Distribution Volumetric Rate	\$/kW	1.7193
Regulatory Asset Recovery	\$/kW	(0.3350)
Retail Transmission Rate – Network Service Rate – Interval Metered	\$/kW	2.6432
Retail Transmission Rate – Line Connection Service Rate – Interval Metered	\$/kW	0.6140
Retail Transmission Rate – Transformation Connection Service Rate – Interval Metered	\$/kW	1.1936
Wholesale Market Service Rate	\$/kWh	0.0052
Rural Rate Protection Charge	\$/kWh	0.0010
Regulated Price Plan – Administration Charge (if applicable)	\$	0.25

Large Use – 3TS

Service Charge	\$	20,047.70
Distribution Volumetric Rate	\$/kW	2.0367
Regulatory Asset Recovery	\$/kW	(0.2635)
Retail Transmission Rate – Network Service Rate – Interval Metered	\$/kW	2.6432
Retail Transmission Rate – Line Connection Service Rate – Interval Metered	\$/kW	0.6140
Wholesale Market Service Rate	\$/kWh	0.0052
Rural Rate Protection Charge	\$/kWh	0.0010
Regulated Price Plan – Administration Charge (if applicable)	\$	0.25

Large Use – Ford Annex

Service Charge	\$	92,838.82
Distribution Volumetric Rate	\$/kW	n/a
Regulatory Asset Recovery	\$/kW	(0.8569)
Retail Transmission Rate – Network Service Rate – Interval Metered	\$/kW	2.6432
Retail Transmission Rate – Line Connection Service Rate – Interval Metered	\$/kW	0.6140
Wholesale Market Service Rate	\$/kWh	0.0052
Rural Rate Protection Charge	\$/kWh	0.0010
Regulated Price Plan – Administration Charge (if applicable)	\$	0.25

Unmetered Scattered Load

Service Charge (per connection)	\$	26.50
Distribution Volumetric Rate	\$/kWh	n/a
Regulatory Asset Recovery	\$/kWh	(1.9428)
Retail Transmission Rate – Network Service Rate	\$/kWh	0.0056
Retail Transmission Rate – Line and Transformation Connection Service Rate	\$/kWh	0.0037
Wholesale Market Service Rate	\$/kWh	0.0052
Rural Rate Protection Charge	\$/kWh	0.0010
Regulated Price Plan – Administration Charge (if applicable)	\$	0.25

EnWin Powerlines Limited **TARIFF OF RATES AND CHARGES** **Effective May 1, 2006**

**This schedule supersedes and replaces all previously
approved schedules of Rates, Charges and Loss Factors**

RP-2005-0020
EB-2005-0359

Standby Power – APPROVED ON AN INTERIM BASIS

Standby Charge – for a month where standby power is not provided. The charge is applied to the contracted amount (e.g. nameplate rating of generation facility).

\$/kW 0.56

Sentinel Lighting

Service Charge (per connection)	\$	4.52
Distribution Volumetric Rate	\$/kW	n/a
Regulatory Asset Recovery	\$/kW	0.9122
Retail Transmission Rate – Network Service Rate	\$/kW	1.7574
Retail Transmission Rate – Line and Transformation Connection Service Rate	\$/kW	1.2018
Wholesale Market Service Rate	\$/kWh	0.0052
Rural Rate Protection Charge	\$/kWh	0.0010
Regulated Price Plan – Administration Charge (if applicable)	\$	0.25

Street Lighting

Service Charge (per connection)	\$	1.76
Distribution Volumetric Rate	\$/kW	n/a
Regulatory Asset Recovery	\$/kW	(0.1635)
Retail Transmission Rate – Network Service Rate	\$/kW	1.7552
Retail Transmission Rate – Line and Transformation Connection Service Rate	\$/kW	1.2004
Wholesale Market Service Rate	\$/kWh	0.0052
Rural Rate Protection Charge	\$/kWh	0.0010
Regulated Price Plan – Administration Charge (if applicable)	\$	0.25

Specific Service Charges

Customer Administration		
Arrears certificate	\$	15.00
Pulling post dated cheques	\$	15.00
Easement Letter	\$	15.00
Account history	\$	15.00
Credit reference/credit check (plus credit agency costs)	\$	15.00
Returned cheque charge (plus bank charges)	\$	15.00
Account set up charge/change of occupancy charge (plus credit agency costs if applicable)	\$	30.00
Special meter reads	\$	30.00
Meter dispute charge plus Measurement Canada fees (if meter found correct)	\$	30.00
Dispute test residential	\$	50.00
Dispute test commercial self contained – MC	\$	105.00
Dispute test commercial TT-MC	\$	180.00
Non-Payment of Account		
Late Payment - per month	%	1.50
Late Payment - per annum	%	19.56
Collection of account charge – no disconnection	\$	30.00
Disconnect/Reconnect Charge - At Meter During Regular Hours	\$	65.00
Disconnect/Reconnect Charge - At Meter After Hours	\$	65.00

EnWin Powerlines Limited **TARIFF OF RATES AND CHARGES** **Effective May 1, 2006**

**This schedule supersedes and replaces all previously
approved schedules of Rates, Charges and Loss Factors**

RP-2005-0020
EB-2005-0359

Service layout – residential	\$	110.00
Service layout – commercial	\$	150.00
Overtime locate	\$	60.00
Disposal of concrete poles	\$	95.00
Missed service appointment	\$	65.00
Service call – customer owned equipment	\$	30.00
Same day open trench	\$	170.00
Scheduled day open trench	\$	100.00
Specific Charge for Access to the Power Poles – per pole/year	\$	22.35

Allowances

Transformer Allowance for Ownership - per kW of billing demand/month	\$	(0.60)
Primary Metering Allowance for transformer losses – applied to measured demand and energy	%	(1.00)

LOSS FACTORS

Total Loss Factor – Secondary Metered Customer < 5,000 kW	1.0390
Total Loss Factor – Secondary Metered Customer > 5,000 kW	1.0145
Total Loss Factor – Primary Metered Customer < 5,000 kW	1.0286
Total Loss Factor – Primary Metered Customer > 5,000 kW	1.0045

Appendix “C”

Ontario Energy
Board

Commission de l'Énergie
de l'Ontario



RP-2005-0020
EB-2005-0359

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 EnWin
Powerlines Limited for an order or orders approving or
fixing just and reasonable distribution rates and other
charges, effective May 1, 2006.

BEFORE: Cynthia Chaplin
Presiding Member

Paul Sommerville
Member

DECISION AND ORDER

EnWin Powerlines Limited (“EnWin” or the “Applicant”) is a licensed distributor providing electrical service to consumers within its defined service area. EnWin filed an application (the “Application”) with the Ontario Energy Board (the “Board”) for an order or orders approving or fixing just and reasonable rates for the distribution of electricity and other matters, to be effective May 1, 2006.

EnWin is one of over 90 electricity distributors in Ontario that are regulated by the Board. To streamline the process for the approval of distribution rates and charges for these distributors, the Board developed and issued the *2006 Electricity Distribution Rate Handbook* (the “Handbook”) and complementary spreadsheet-based models. These materials were developed after extensive public consultation with distributors, customer groups, public and environmental interest groups, and other interested parties. The Handbook contains requirements and guidelines for filing an application. The models

- 2 -

determine the amounts to be included for the payments in lieu of taxes ("PILs") and calculate rates based on historical financial and other information entered by the distributor.

Also included in this process was a methodology and model for the final recovery of regulatory assets flowing from the Board's December 9, 2004 decision *Review and Recovery of Regulatory Assets – Phase 2*, which was for Toronto Hydro, London Hydro, Enersource Hydro Mississauga and Hydro One. In Chapter 10 of that decision, the Board outlined a Phase 2 process for the remaining distributors. By letter of July 12, 2005, the Board provided guidance and a spreadsheet-based model to the distributors for the inclusion of this recovery as part of their 2006 distribution rate applications.

In its preliminary review of the 2006 rate applications received from the distributors, the Board identified several issues that appeared to be common to many or all of the distributors. As a result, the Board held a hearing (EB-2005-0529) to consider these issues (the "Generic Issues Proceeding") and released its decision (the "Generic Decision") on March 21, 2006. The rulings flowing from that Generic Decision apply to this Application, except to the extent noted in this Decision. The Board notes that pursuant to ss. 21 (6.1) of the *Ontario Energy Board Act, 1998*, and to the extent that it is pertinent to this Application, the evidentiary record of the Generic Issues Proceeding is part of the evidentiary record upon which the Board is basing this Decision.

In December 2001, the Board authorized the establishment of deferral accounts by the distributors related to the payments that the distributors make to the Ministry of Finance in lieu of taxes. The Board is required, under its enabling legislation, to make an order with respect to non-commodity deferral accounts once every twelve months. The Board has considered the information available with respect to these accounts and orders that the amounts recorded in the accounts will not be reflected in rates as part of the Rate Order that will result from this Decision. The Board will continue to monitor the accounts with a view to clearing them when appropriate.

Public notice of the rate Application made by EnWin was given through newspaper publication in its service area. The evidence filed was made available to the public. Interested parties intervened in the proceeding.

- 3 -

On November 4, 2005, the Board issued Procedural Order No. 1, which indicated in part that the Board would proceed by way of an oral hearing with respect to issues specific to the EnWin application, and that EnWin's Comprehensive Regulatory Asset Review would be heard in a combined hearing with other applicants. Subsequently, on November 28, 2005, the Board issued Procedural Order No. 2, which combined the EnWin Comprehensive Regulatory Asset Review with its main 2006 rates application.

On February 8 and 9, 2006, a Settlement Conference was conducted and on February 15, 2006, EnWin filed a Settlement Proposal of the Applicant and the Intervenor with the Board, which dealt with all the issues on the Board's Issues List.

On February 17, 2006, the Settlement Proposal was presented to and accepted by the Board.

On February 22, 2006, EnWin filed with the Board revised application models to reflect the Settlement Proposal. The Board examined those models and determined that they did not fully reflect the rate consequences of the approved Settlement Proposal, and accordingly directed EnWin to refile the models. EnWin submitted the refiled models to the Board on April 26, 2006.

The Board has examined the April 26 refiling and concludes that the rates set out in it are in accordance with the Settlement Agreement approved by the Board. Accordingly, the Board will implement these rates, subject to modifications arising out of the Generic Decision, as discussed in the following sections.

Consequences of the Generic Decision on this Application

The Generic Decision contains findings relevant to funding for smart meters for electricity distributors. The Applicant did not file a specific smart meter investment plan or request approval of any associated amount in revenue requirement. Absent a specific plan or discrete revenue requirement, the Generic Decision provides that \$0.30 per residential customer per month be reflected in the Applicant's revenue requirement. The Board finds that this increase in the revenue requirement amount will be allocated equally to all metered customers and recovered through their monthly service charge. This increment is reflected in the approved monthly service charges contained in the Tariff of Rates and Charges appended to this Decision. Pursuant to the Generic

Decision, a variance account will be established, the details of which will be communicated in due course.

With respect to standby rates, the Generic Decision provided that existing and proposed standby rates should be declared interim upon the effective date of the rates approved in this decision. Given that EnWin proposed to continue its legacy standby rates, those rates are declared interim at the proposed level as of the effective date of the rate order accompanying this Decision.

Resulting Revenue Requirements

As a result of the Board's determinations on these issues, including its acceptance of the Settlement Proposal, the Board finds that the revenue requirement to be recovered through distribution rates and charges is \$49,524,982, including a debit amount of \$783,949 for the recovery of Regulatory Assets.

In its letter of December 20, 2004 to electricity distributors, the Board indicated that it would consider the disposition of the 2005 OEB dues recorded in Account 1508 in this proceeding. However, given that the final 2005 OEB dues are not available because of the difference in fiscal years for the Board and the distributors, and given that the model used to develop the Application does not incorporate this provision, the Board will review and dispose of the 2005 OEB dues at a later time.

Cost Awards

This Application is one of a number of applications before the Board dealing with 2006 rates chargeable by distributors. Intervenors may be parties to multiple applications and, if eligible, their costs associated with a specific distributor may not be separable. Therefore, for these applications, the matter of intervenor cost awards will be addressed by the Board at a later date, upon the conclusion of the current rate applications. If an intervenor that is eligible to recover its costs is able to uniquely identify its costs associated with this Application, it must file its cost claim within 10 days from the receipt of this Decision.

- 5 -

THE BOARD ORDERS THAT:

1. The Tariff of Rates and Charges set out in Appendix A of this Order is approved, effective May 1, 2006, for electricity consumed or estimated to have been consumed on and after May 1, 2006. The application of the revised distribution rates shall be prorated to May 1, 2006. If EnWin Powerlines Limited's billing system is not capable of prorating changed loss factors jointly with distribution rates, the revised loss factors shall be implemented upon the first subsequent billing for each billing cycle.
2. The Tariff of Rates and Charges set out in Appendix A of this Order supersedes all previous distribution rate schedules approved by the Ontario Energy Board for EnWin Powerlines Limited, and is final in all respects, except for the standby rates which are approved as interim.
3. EnWin Powerlines Limited shall notify its customers of the rate changes no later than with the first bill reflecting the new rates.

DATED at Toronto, May 4, 2006.

ONTARIO ENERGY BOARD

A handwritten signature in black ink, appearing to read 'P. O'Dell', with a long horizontal line extending from the end of the signature.

Peter H. O'Dell
Assistant Board Secretary

Appendix "A"

RP-2005-0020
EB-2005-0359

May 4, 2006

ONTARIO ENERGY BOARD

EnWin Powerlines Limited

TARIFF OF RATES AND CHARGES

Effective May 1, 2006

This schedule supersedes and replaces all previously approved schedules of Rates, Charges and Loss Factors

RP-2005-0020
EB-2005-0359

APPLICATION

- The application of these rates and charges shall be in accordance with the Licence of the Distributor and any Codes, Guidelines or Orders of the Board, and amendments thereto as approved by the Board, which may be applicable to the administration of this schedule.
- No rates and charges for the distribution of electricity and charges to meet the costs of any work or service done or furnished for the purpose of the distribution of electricity shall be made except as permitted by this schedule, unless required by the Distributor's Licence or a Code, Guideline or Order of the Board, and amendments thereto as approved by the Board, or as specified herein.
- This schedule does not contain any rates and charges relating to the electricity commodity (e.g. the Regulated Price Plan).

EFFECTIVE DATES

DISTRIBUTION RATES - May 1, 2006 for all consumption or deemed consumption services used on or after that date.

SPECIFIC SERVICE CHARGES - May 1, 2006 for all charges incurred by customers on or after that date.

LOSS FACTOR ADJUSTMENT – May 1, 2006 unless the distributor is not capable of prorating changed loss factors jointly with distribution rates. In that case, the revised loss factors will be implemented upon the first subsequent billing for each billing cycle.

SERVICE CLASSIFICATIONS

Residential

A customer qualifies for residential rate classification if their service is a 120/240 V single-phase supply to a single family dwelling, duplex, triplex, 4-plex or 6-plex, townhome or multi-unit – individually metered apartment, located on a parcel of land zoned by the City of Windsor Building Department for domestic or household purposes and where the Customer uses the dwelling as a home. Where a customer operates an advertised business from a building that may or may not be used as a dwelling, ENWIN may elect to deem that the Customer's rate class will be General Service.

General Service Less Than 50 kW

A non-residential customer qualifies for a rate classification of General Service Less Than 50 kW if within the last 24 months its monthly peak demand load has not exceeded 50 kW or for a new customer is not expected to exceed 50 kW. On a temporary basis, existing General Service Less Than 50 kW customers whose monthly peak demand has exceeded 50 kW but less than 100 kW in the last 24 months, shall not be reclassified to a General Service 50 to 4,999 kW rate class in order to comply with OEB Decision with Reasons – RP-2000-0069.

General Service 50 to 4,999 kW

A non-residential customer qualifies for a rate classification of General Service 50 to 4,999 kW if within the last 24 months its monthly peak demand load has equaled or exceeded 50 kW or for a new customer is expected to equal or exceed 50 kW but be less than 5,000 kW. On a temporary basis, existing General Service Less Than 50 kW customers whose monthly peak demand has exceeded 50 kW but less than 100 kW in the last 24 months, shall not be reclassified to a General Service 50 to 4,999 kW rate class in order to comply with OEB Decision with Reasons – RP-2000-0069.

General Service 3,000 to 4,999 kW – Intermediate Use

A customer is in this class when its individual load is equal to or over 3,000 kW but less than 5,000 kW, averaged over 12 consecutive months and was classified as Time of Use prior to market opening. The premises for this class of customer is considered a structure or structures located on a parcel of land occupied by one customer and is predominantly used for intermediate sized commercial, institutional or industrial purposes.

Large Use - Regular

A customer is in the regular large use rate class when its monthly peak load, averaged over 12 consecutive months, is equal to or greater than 5,000 kW. The premises for this class of customer is predominantly used for large industrial or institutional purposes located on a parcel of land occupied by a single customer.

Large Use – 3TS

This classification applies to a customer whose monthly peak load, averaged over 12 consecutive months, is equal to or greater than 5,000 kW and the premise is serviced by a dedicated Transformer Station.

EnWin Powerlines Limited

TARIFF OF RATES AND CHARGES

Effective May 1, 2006

This schedule supersedes and replaces all previously approved schedules of Rates, Charges and Loss Factors

RP-2005-0020
EB-2005-0359

Large Use – Ford Annex

This classification applies to a customer whose monthly peak load, averaged over 12 consecutive months, is equal to or greater than 5,000 kW and the premise is serviced by the dedicated Ford Annex Transformer Station.

Unmetered Scattered Load

This classification applies to an account taking electricity at 750 volts or less whose average monthly maximum demand is less than, or is forecast to be less than, 50 kW and the consumption is unmetered. Such connections include cable TV power packs, bus shelters, telephone booths, traffic lights, railway crossings, etc.

Standby Power

This classification refers to an account that has Load Displacement Generation and requires the distributor to provide back-up service.

Sentinel Lighting

This classification refers to an account for exterior parkway lighting with various parties, controlled by photo cells.

Street Lighting

This classification refers to an account for roadway lighting with the City of Windsor, controlled by photo cells. The consumption for these customers will be based on the calculated load times the required lighting times established in the approved OEB street lighting load shape profile.

MONTHLY RATES AND CHARGES

Residential

Service Charge	\$	8.05
Distribution Volumetric Rate	\$/kWh	0.0195
Regulatory Asset Recovery	\$/kWh	0.0041
Retail Transmission Rate – Network Service Rate	\$/kWh	0.0060
Retail Transmission Rate – Line and Transformation Connection Service Rate	\$/kWh	0.0040
Wholesale Market Service Rate	\$/kWh	0.0052
Rural Rate Protection Charge	\$/kWh	0.0010
Regulated Price Plan – Administration Charge	\$	0.25

General Service Less Than 50 kW

Service Charge	\$	22.61
Distribution Volumetric Rate	\$/kWh	0.0143
Regulatory Asset Recovery	\$/kWh	(0.0003)
Retail Transmission Rate – Network Service Rate	\$/kWh	0.0056
Retail Transmission Rate – Line and Transformation Connection Service Rate	\$/kWh	0.0037
Wholesale Market Service Rate	\$/kWh	0.0052
Rural Rate Protection Charge	\$/kWh	0.0010
Regulated Price Plan – Administration Charge	\$	0.25

General Service 50 – 4,999 kW

Service Charge	\$	300.01
Distribution Volumetric Rate	\$/kW	3.0625
Regulatory Asset Recovery	\$/kW	(0.3872)
Retail Transmission Rate – Network Service Rate	\$/kW	1.9208
Retail Transmission Rate – Line and Transformation Connection Service Rate	\$/kW	1.3136
Wholesale Market Service Rate	\$/kWh	0.0052
Rural Rate Protection Charge	\$/kWh	0.0010
Regulated Price Plan – Administration Charge (if applicable)	\$	0.25

EnWin Powerlines Limited

TARIFF OF RATES AND CHARGES

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Service Charge	\$	400.80
Distribution Volumetric Rate	\$/kW	0.3703
Regulatory Asset Recovery	\$/kW	(0.0837)
Retail Transmission Rate – Network Service Rate	\$/kW	2.6031
Retail Transmission Rate – Line and Transformation Connection Service Rate	\$/kW	1.7802
Wholesale Market Service Rate	\$/kWh	0.0052
Rural Rate Protection Charge	\$/kWh	0.0010
Regulated Price Plan – Administration Charge (if applicable)	\$	0.25

Large Use – Regular

Service Charge	\$	5,964.18
Distribution Volumetric Rate	\$/kW	1.7193
Regulatory Asset Recovery	\$/kW	(0.3350)
Retail Transmission Rate – Network Service Rate – Interval Metered	\$/kW	2.6432
Retail Transmission Rate – Line Connection Service Rate – Interval Metered	\$/kW	0.6140
Retail Transmission Rate – Transformation Connection Service Rate – Interval Metered	\$/kW	1.1936
Wholesale Market Service Rate	\$/kWh	0.0052
Rural Rate Protection Charge	\$/kWh	0.0010
Regulated Price Plan – Administration Charge (if applicable)	\$	0.25

Large Use – 3TS

Service Charge	\$	20,047.70
Distribution Volumetric Rate	\$/kW	2.0367
Regulatory Asset Recovery	\$/kW	(0.2635)
Retail Transmission Rate – Network Service Rate – Interval Metered	\$/kW	2.6432
Retail Transmission Rate – Line Connection Service Rate – Interval Metered	\$/kW	0.6140
Wholesale Market Service Rate	\$/kWh	0.0052
Rural Rate Protection Charge	\$/kWh	0.0010
Regulated Price Plan – Administration Charge (if applicable)	\$	0.25

Large Use – Ford Annex

Service Charge	\$	92,838.82
Distribution Volumetric Rate	\$/kW	n/a
Regulatory Asset Recovery	\$/kW	(0.8569)
Retail Transmission Rate – Network Service Rate – Interval Metered	\$/kW	2.6432
Retail Transmission Rate – Line Connection Service Rate – Interval Metered	\$/kW	0.6140
Wholesale Market Service Rate	\$/kWh	0.0052
Rural Rate Protection Charge	\$/kWh	0.0010
Regulated Price Plan – Administration Charge (if applicable)	\$	0.25

Unmetered Scattered Load

Service Charge (per connection)	\$	26.50
Distribution Volumetric Rate	\$/kWh	n/a
Regulatory Asset Recovery	\$/kWh	(1.9428)
Retail Transmission Rate – Network Service Rate	\$/kWh	0.0056
Retail Transmission Rate – Line and Transformation Connection Service Rate	\$/kWh	0.0037
Wholesale Market Service Rate	\$/kWh	0.0052
Rural Rate Protection Charge	\$/kWh	0.0010
Regulated Price Plan – Administration Charge (if applicable)	\$	0.25

EnWin Powerlines Limited **TARIFF OF RATES AND CHARGES** **Effective May 1, 2006**

**This schedule supersedes and replaces all previously
approved schedules of Rates, Charges and Loss Factors**

RP-2005-0020
EB-2005-0359

Standby Power – APPROVED ON AN INTERIM BASIS

Standby Charge – for a month where standby power is not provided. The charge is applied to the contracted amount (e.g. nameplate rating of generation facility).

\$/kW 0.56

Sentinel Lighting

Service Charge (per connection)	\$	4.52
Distribution Volumetric Rate	\$/kW	n/a
Regulatory Asset Recovery	\$/kW	0.9122
Retail Transmission Rate – Network Service Rate	\$/kW	1.7574
Retail Transmission Rate – Line and Transformation Connection Service Rate	\$/kW	1.2018
Wholesale Market Service Rate	\$/kWh	0.0052
Rural Rate Protection Charge	\$/kWh	0.0010
Regulated Price Plan – Administration Charge (if applicable)	\$	0.25

Street Lighting

Service Charge (per connection)	\$	1.76
Distribution Volumetric Rate	\$/kW	n/a
Regulatory Asset Recovery	\$/kW	(0.1635)
Retail Transmission Rate – Network Service Rate	\$/kW	1.7552
Retail Transmission Rate – Line and Transformation Connection Service Rate	\$/kW	1.2004
Wholesale Market Service Rate	\$/kWh	0.0052
Rural Rate Protection Charge	\$/kWh	0.0010
Regulated Price Plan – Administration Charge (if applicable)	\$	0.25

Specific Service Charges

Customer Administration		
Arrears certificate	\$	15.00
Pulling post dated cheques	\$	15.00
Easement Letter	\$	15.00
Account history	\$	15.00
Credit reference/credit check (plus credit agency costs)	\$	15.00
Returned cheque charge (plus bank charges)	\$	15.00
Account set up charge/change of occupancy charge (plus credit agency costs if applicable)	\$	30.00
Special meter reads	\$	30.00
Meter dispute charge plus Measurement Canada fees (if meter found correct)	\$	30.00
Dispute test residential	\$	50.00
Dispute test commercial self contained – MC	\$	105.00
Dispute test commercial TT-MC	\$	180.00
Non-Payment of Account		
Late Payment - per month	%	1.50
Late Payment - per annum	%	19.56
Collection of account charge – no disconnection	\$	30.00
Disconnect/Reconnect Charge - At Meter During Regular Hours	\$	65.00
Disconnect/Reconnect Charge - At Meter After Hours	\$	65.00

EnWin Powerlines Limited **TARIFF OF RATES AND CHARGES** **Effective May 1, 2006**

This schedule supersedes and replaces all previously approved schedules of Rates, Charges and Loss Factors

RP-2005-0020
EB-2005-0359

Service layout – residential	\$	110.00
Service layout – commercial	\$	150.00
Overtime locate	\$	60.00
Disposal of concrete poles	\$	95.00
Missed service appointment	\$	65.00
Service call – customer owned equipment	\$	30.00
Same day open trench	\$	170.00
Scheduled day open trench	\$	100.00
Specific Charge for Access to the Power Poles – per pole/year	\$	22.35

Allowances

Transformer Allowance for Ownership - per kW of billing demand/month	\$	(0.60)
Primary Metering Allowance for transformer losses – applied to measured demand and energy	%	(1.00)

LOSS FACTORS

Total Loss Factor – Secondary Metered Customer < 5,000 kW	1.0390
Total Loss Factor – Secondary Metered Customer > 5,000 kW	1.0145
Total Loss Factor – Primary Metered Customer < 5,000 kW	1.0286
Total Loss Factor – Primary Metered Customer > 5,000 kW	1.0045

Appendix “D”

Ontario Energy
Board

Commission de l'Énergie
de l'Ontario



RP-2005-0020
EB-2005-0359

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 EnWin
Powerlines Limited for an order or orders approving or
fixing just and reasonable distribution rates and other
charges, effective May 1, 2006.

BEFORE: Cynthia Chaplin
Presiding Member

Paul Sommerville
Member

DECISION AND ORDER

EnWin Powerlines Limited (“EnWin” or the “Applicant”) is a licensed distributor providing electrical service to consumers within its defined service area. EnWin filed an application (the “Application”) with the Ontario Energy Board (the “Board”) for an order or orders approving or fixing just and reasonable rates for the distribution of electricity and other matters, to be effective May 1, 2006.

EnWin is one of over 90 electricity distributors in Ontario that are regulated by the Board. To streamline the process for the approval of distribution rates and charges for these distributors, the Board developed and issued the *2006 Electricity Distribution Rate Handbook* (the “Handbook”) and complementary spreadsheet-based models. These materials were developed after extensive public consultation with distributors, customer groups, public and environmental interest groups, and other interested parties. The Handbook contains requirements and guidelines for filing an application. The models

- 2 -

determine the amounts to be included for the payments in lieu of taxes ("PILs") and calculate rates based on historical financial and other information entered by the distributor.

Also included in this process was a methodology and model for the final recovery of regulatory assets flowing from the Board's December 9, 2004 decision *Review and Recovery of Regulatory Assets – Phase 2*, which was for Toronto Hydro, London Hydro, Enersource Hydro Mississauga and Hydro One. In Chapter 10 of that decision, the Board outlined a Phase 2 process for the remaining distributors. By letter of July 12, 2005, the Board provided guidance and a spreadsheet-based model to the distributors for the inclusion of this recovery as part of their 2006 distribution rate applications.

In its preliminary review of the 2006 rate applications received from the distributors, the Board identified several issues that appeared to be common to many or all of the distributors. As a result, the Board held a hearing (EB-2005-0529) to consider these issues (the "Generic Issues Proceeding") and released its decision (the "Generic Decision") on March 21, 2006. The rulings flowing from that Generic Decision apply to this Application, except to the extent noted in this Decision. The Board notes that pursuant to ss. 21 (6.1) of the *Ontario Energy Board Act, 1998*, and to the extent that it is pertinent to this Application, the evidentiary record of the Generic Issues Proceeding is part of the evidentiary record upon which the Board is basing this Decision.

In December 2001, the Board authorized the establishment of deferral accounts by the distributors related to the payments that the distributors make to the Ministry of Finance in lieu of taxes. The Board is required, under its enabling legislation, to make an order with respect to non-commodity deferral accounts once every twelve months. The Board has considered the information available with respect to these accounts and orders that the amounts recorded in the accounts will not be reflected in rates as part of the Rate Order that will result from this Decision. The Board will continue to monitor the accounts with a view to clearing them when appropriate.

Public notice of the rate Application made by EnWin was given through newspaper publication in its service area. The evidence filed was made available to the public. Interested parties intervened in the proceeding.

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On November 4, 2005, the Board issued Procedural Order No. 1, which indicated in part that the Board would proceed by way of an oral hearing with respect to issues specific to the EnWin application, and that EnWin's Comprehensive Regulatory Asset Review would be heard in a combined hearing with other applicants. Subsequently, on November 28, 2005, the Board issued Procedural Order No. 2, which combined the EnWin Comprehensive Regulatory Asset Review with its main 2006 rates application.

On February 8 and 9, 2006, a Settlement Conference was conducted and on February 15, 2006, EnWin filed a Settlement Proposal of the Applicant and the Intervenor with the Board, which dealt with all the issues on the Board's Issues List.

On February 17, 2006, the Settlement Proposal was presented to and accepted by the Board.

On February 22, 2006, EnWin filed with the Board revised application models to reflect the Settlement Proposal. The Board examined those models and determined that they did not fully reflect the rate consequences of the approved Settlement Proposal, and accordingly directed EnWin to refile the models. EnWin submitted the refiled models to the Board on April 26, 2006.

The Board has examined the April 26 refiling and concludes that the rates set out in it are in accordance with the Settlement Agreement approved by the Board. Accordingly, the Board will implement these rates, subject to modifications arising out of the Generic Decision, as discussed in the following sections.

Consequences of the Generic Decision on this Application

The Generic Decision contains findings relevant to funding for smart meters for electricity distributors. The Applicant did not file a specific smart meter investment plan or request approval of any associated amount in revenue requirement. Absent a specific plan or discrete revenue requirement, the Generic Decision provides that \$0.30 per residential customer per month be reflected in the Applicant's revenue requirement. The Board finds that this increase in the revenue requirement amount will be allocated equally to all metered customers and recovered through their monthly service charge. This increment is reflected in the approved monthly service charges contained in the Tariff of Rates and Charges appended to this Decision. Pursuant to the Generic

- 4 -

Decision, a variance account will be established, the details of which will be communicated in due course.

With respect to standby rates, the Generic Decision provided that existing and proposed standby rates should be declared interim upon the effective date of the rates approved in this decision. Given that EnWin proposed to continue its legacy standby rates, those rates are declared interim at the proposed level as of the effective date of the rate order accompanying this Decision.

Resulting Revenue Requirements

As a result of the Board's determinations on these issues, including its acceptance of the Settlement Proposal, the Board finds that the revenue requirement to be recovered through distribution rates and charges is \$49,524,982, including a debit amount of \$783,949 for the recovery of Regulatory Assets.

In its letter of December 20, 2004 to electricity distributors, the Board indicated that it would consider the disposition of the 2005 OEB dues recorded in Account 1508 in this proceeding. However, given that the final 2005 OEB dues are not available because of the difference in fiscal years for the Board and the distributors, and given that the model used to develop the Application does not incorporate this provision, the Board will review and dispose of the 2005 OEB dues at a later time.

Cost Awards

This Application is one of a number of applications before the Board dealing with 2006 rates chargeable by distributors. Intervenors may be parties to multiple applications and, if eligible, their costs associated with a specific distributor may not be separable. Therefore, for these applications, the matter of intervenor cost awards will be addressed by the Board at a later date, upon the conclusion of the current rate applications. If an intervenor that is eligible to recover its costs is able to uniquely identify its costs associated with this Application, it must file its cost claim within 10 days from the receipt of this Decision.

THE BOARD ORDERS THAT:

1. The Tariff of Rates and Charges set out in Appendix A of this Order is approved, effective May 1, 2006, for electricity consumed or estimated to have been consumed on and after May 1, 2006. The application of the revised distribution rates shall be prorated to May 1, 2006. If EnWin Powerlines Limited's billing system is not capable of prorating changed loss factors jointly with distribution rates, the revised loss factors shall be implemented upon the first subsequent billing for each billing cycle.
2. The Tariff of Rates and Charges set out in Appendix A of this Order supersedes all previous distribution rate schedules approved by the Ontario Energy Board for EnWin Powerlines Limited, and is final in all respects, except for the standby rates which are approved as interim.
3. EnWin Powerlines Limited shall notify its customers of the rate changes no later than with the first bill reflecting the new rates.

DATED at Toronto, May 4, 2006.

ONTARIO ENERGY BOARD

A handwritten signature in black ink, appearing to read 'P. O'Dell', with a long horizontal line extending from the end of the signature.

Peter H. O'Dell
Assistant Board Secretary

Appendix "A"

RP-2005-0020
EB-2005-0359

May 4, 2006

ONTARIO ENERGY BOARD

EnWin Powerlines Limited

TARIFF OF RATES AND CHARGES

Effective May 1, 2006

This schedule supersedes and replaces all previously approved schedules of Rates, Charges and Loss Factors

RP-2005-0020
EB-2005-0359

APPLICATION

- The application of these rates and charges shall be in accordance with the Licence of the Distributor and any Codes, Guidelines or Orders of the Board, and amendments thereto as approved by the Board, which may be applicable to the administration of this schedule.
- No rates and charges for the distribution of electricity and charges to meet the costs of any work or service done or furnished for the purpose of the distribution of electricity shall be made except as permitted by this schedule, unless required by the Distributor's Licence or a Code, Guideline or Order of the Board, and amendments thereto as approved by the Board, or as specified herein.
- This schedule does not contain any rates and charges relating to the electricity commodity (e.g. the Regulated Price Plan).

EFFECTIVE DATES

DISTRIBUTION RATES - May 1, 2006 for all consumption or deemed consumption services used on or after that date.

SPECIFIC SERVICE CHARGES - May 1, 2006 for all charges incurred by customers on or after that date.

LOSS FACTOR ADJUSTMENT – May 1, 2006 unless the distributor is not capable of prorating changed loss factors jointly with distribution rates. In that case, the revised loss factors will be implemented upon the first subsequent billing for each billing cycle.

SERVICE CLASSIFICATIONS

Residential

A customer qualifies for residential rate classification if their service is a 120/240 V single-phase supply to a single family dwelling, duplex, triplex, 4-plex or 6-plex, townhome or multi-unit – individually metered apartment, located on a parcel of land zoned by the City of Windsor Building Department for domestic or household purposes and where the Customer uses the dwelling as a home. Where a customer operates an advertised business from a building that may or may not be used as a dwelling, ENWIN may elect to deem that the Customer's rate class will be General Service.

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General Service 50 to 4,999 kW

A non-residential customer qualifies for a rate classification of General Service 50 to 4,999 kW if within the last 24 months its monthly peak demand load has equaled or exceeded 50 kW or for a new customer is expected to equal or exceed 50 kW but less than 5,000 kW. On a temporary basis, existing General Service Less Than 50 kW customers whose monthly peak demand has exceeded 50 kW but less than 100 kW in the last 24 months, shall not be reclassified to a General Service 50 to 4,999 kW rate class in order to comply with OEB Decision with Reasons – RP-2000-0069.

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Large Use - Regular

A customer is in the regular large use rate class when its monthly peak load, averaged over 12 consecutive months, is equal to or greater than 5,000 kW. The premises for this class of customer is predominantly used for large industrial or institutional purposes located on a parcel of land occupied by a single customer.

Large Use – 3TS

This classification applies to a customer whose monthly peak load, averaged over 12 consecutive months, is equal to or greater than 5,000 kW and the premise is serviced by a dedicated Transformer Station.

EnWin Powerlines Limited **TARIFF OF RATES AND CHARGES** **Effective May 1, 2006**

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Standby Power

This classification refers to an account that has Load Displacement Generation and requires the distributor to provide back-up service.

Sentinel Lighting

This classification refers to an account for exterior parkway lighting with various parties, controlled by photo cells.

Street Lighting

This classification refers to an account for roadway lighting with the City of Windsor, controlled by photo cells. The consumption for these customers will be based on the calculated load times the required lighting times established in the approved OEB street lighting load shape profile.

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Service Charge	\$	5,964.18
Distribution Volumetric Rate	\$/kW	1.7193
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Retail Transmission Rate – Transformation Connection Service Rate – Interval Metered	\$/kW	1.1936
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Rural Rate Protection Charge	\$/kWh	0.0010
Regulated Price Plan – Administration Charge (if applicable)	\$	0.25

Large Use – 3TS

Service Charge	\$	20,047.70
Distribution Volumetric Rate	\$/kW	2.0367
Regulatory Asset Recovery	\$/kW	(0.2635)
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Retail Transmission Rate – Line Connection Service Rate – Interval Metered	\$/kW	0.6140
Wholesale Market Service Rate	\$/kWh	0.0052
Rural Rate Protection Charge	\$/kWh	0.0010
Regulated Price Plan – Administration Charge (if applicable)	\$	0.25

Large Use – Ford Annex

Service Charge	\$	92,838.82
Distribution Volumetric Rate	\$/kW	n/a
Regulatory Asset Recovery	\$/kW	(0.8569)
Retail Transmission Rate – Network Service Rate – Interval Metered	\$/kW	2.6432
Retail Transmission Rate – Line Connection Service Rate – Interval Metered	\$/kW	0.6140
Wholesale Market Service Rate	\$/kWh	0.0052
Rural Rate Protection Charge	\$/kWh	0.0010
Regulated Price Plan – Administration Charge (if applicable)	\$	0.25

Unmetered Scattered Load

Service Charge (per connection)	\$	26.50
Distribution Volumetric Rate	\$/kWh	n/a
Regulatory Asset Recovery (per connection)	\$	(1.9428)
Retail Transmission Rate – Network Service Rate	\$/kWh	0.0056
Retail Transmission Rate – Line and Transformation Connection Service Rate	\$/kWh	0.0037
Wholesale Market Service Rate	\$/kWh	0.0052
Rural Rate Protection Charge	\$/kWh	0.0010
Regulated Price Plan – Administration Charge (if applicable)	\$	0.25

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EB-2005-0359

Standby Power – APPROVED ON AN INTERIM BASIS

Standby Charge – for a month where standby power is not provided. The charge is applied to the contracted amount (e.g. nameplate rating of generation facility).

	\$/kW	0.56
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Sentinel Lighting

Service Charge (per connection)	\$	4.52
Distribution Volumetric Rate	\$/kW	n/a
Regulatory Asset Recovery (per connection)	\$	0.9122
Retail Transmission Rate – Network Service Rate	\$/kW	1.7574
Retail Transmission Rate – Line and Transformation Connection Service Rate	\$/kW	1.2018
Wholesale Market Service Rate	\$/kWh	0.0052
Rural Rate Protection Charge	\$/kWh	0.0010
Regulated Price Plan – Administration Charge (if applicable)	\$	0.25

Street Lighting

Service Charge (per connection)	\$	1.76
Distribution Volumetric Rate	\$/kW	n/a
Regulatory Asset Recovery (per connection)	\$	(0.1635)
Retail Transmission Rate – Network Service Rate	\$/kW	1.7552
Retail Transmission Rate – Line and Transformation Connection Service Rate	\$/kW	1.2004
Wholesale Market Service Rate	\$/kWh	0.0052
Rural Rate Protection Charge	\$/kWh	0.0010
Regulated Price Plan – Administration Charge (if applicable)	\$	0.25

Specific Service Charges

Customer Administration		
Arrears certificate	\$	15.00
Pulling post dated cheques	\$	15.00
Easement Letter	\$	15.00
Account history	\$	15.00
Credit reference/credit check (plus credit agency costs)	\$	15.00
Returned cheque charge (plus bank charges)	\$	15.00
Account set up charge/change of occupancy charge (plus credit agency costs if applicable)	\$	30.00
Special meter reads	\$	30.00
Meter dispute charge plus Measurement Canada fees (if meter found correct)	\$	30.00
Dispute test residential	\$	50.00
Dispute test commercial self contained – MC	\$	105.00
Dispute test commercial TT-MC	\$	180.00
Non-Payment of Account		
Late Payment - per month	%	1.50
Late Payment - per annum	%	19.56
Collection of account charge – no disconnection	\$	30.00
Disconnect/Reconnect Charge - At Meter During Regular Hours	\$	65.00
Disconnect/Reconnect Charge - At Meter After Hours	\$	65.00

EnWin Powerlines Limited **TARIFF OF RATES AND CHARGES** **Effective May 1, 2006**

**This schedule supersedes and replaces all previously
approved schedules of Rates, Charges and Loss Factors**

RP-2005-0020
EB-2005-0359

Service layout – residential	\$	110.00
Service layout – commercial	\$	150.00
Overtime locate	\$	60.00
Disposal of concrete poles	\$	95.00
Missed service appointment	\$	65.00
Service call – customer owned equipment	\$	30.00
Same day open trench	\$	170.00
Scheduled day open trench	\$	100.00
Specific Charge for Access to the Power Poles – per pole/year	\$	22.35

Allowances

Transformer Allowance for Ownership - per kW of billing demand/month	\$	(0.60)
Primary Metering Allowance for transformer losses – applied to measured demand and energy	%	(1.00)

LOSS FACTORS

Total Loss Factor – Secondary Metered Customer < 5,000 kW	1.0390
Total Loss Factor – Secondary Metered Customer > 5,000 kW	1.0145
Total Loss Factor – Primary Metered Customer < 5,000 kW	1.0286
Total Loss Factor – Primary Metered Customer > 5,000 kW	1.0045