



EB-2008-0272

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

AND IN THE MATTER OF a review of an application filed by
Hydro One Networks Inc. under section 78 of the *Ontario
Energy Board Act, 1998*, seeking changes to the uniform
provincial transmission rates.

ISSUES DECISION AND PROCEDURAL ORDER NO. 2

On September 30, 2008, Hydro One Networks Inc. ("Hydro One") filed an application with the Ontario Energy Board (the "Board") under section 78 of *Ontario Energy Board Act, 1998*. The application seeks approval for changes to the uniform provincial transmission rates that Hydro One charges for electricity transmission to be effective and implemented on July 1, 2009. The Board has assigned the application file number EB-2008-0272.

The Board issued a Notice of Application on October 17, 2008. Hydro One served and published the Notice as directed by the Board.

Issues Decision

Procedural Order No. 1 was issued on November 14, 2008 and contained a proposed issues list. Submissions were received from the following parties on the proposed issues list:

Vulnerable Energy Consumers Coalition ("VECC")
Association of Major Power Consumers in Ontario ("AMPCO")

Consumers Council of Canada (“CCC”)
Pollution Probe (“PP”)
School Energy Coalition (“SEC”)
Hydro One

The Board has considered these submissions in establishing a final issues list which is attached as Appendix A. The requested changes and clarifications from the parties on the proposed issues list are reviewed below along with the Board’s rationale in addressing each of these requests.

1. General

1.1 Has Hydro One responded appropriately to all relevant Board directions from previous proceedings?

VECC proposed an issue be added related to affiliate services: “Have there been any changes to the Affiliate Service Agreements since the 2007/08 Transmission Rates proceeding and are the Agreements consistent with the Affiliate Relationships Code?”

The Board agrees that it is appropriate to examine any changes to the Affiliate Service Agreements that impact Hydro One’s costs, but the issue of consistency with the Affiliate Relationships Code is a matter of compliance which is outside the scope of this rates proceeding. The Board considers that the first aspect of VECC’s request is subsumed under Issue 3.2.

VECC proposed an issue be added related to the economic and planning assumptions: “Are Hydro One Networks’ Economic and Business Planning Assumptions for 2008, 2009 and 2010 appropriate?”

The Board concurs that the issue is appropriate, but it is subsumed under issues 2, 3, and 4, the examination of which will require a consideration of economic and business assumptions.

VECC proposed an issue be added related to Export Transmission Service Rate study: “Is the scope and timing of the study on Export Transmission Service Rates and the planned follow-up appropriate?” Hydro One submitted that the Independent Electricity System Operator (“IESO”) had not yet responded to the Board’s direction in relation to

the Export Transmission Service Rates Study and that including this issue would be premature.

The Board has determined that this issue can be considered under Issue 1.1. In particular, this includes the status of the IESO's Export Transmission Service Rates Study and the ramifications this has on the Export Transmission Service Rate.

2. Load Forecast and Revenue Forecast

2.1 Is the load forecast and methodology appropriate and have the impacts of Conservation and Demand Management initiatives been suitably reflected?

2.2 Are other revenue forecasts appropriate?

VECC sought clarification on issue 2.1 as to whether the term "appropriate" includes consideration of the following:

- The appropriateness of Hydro One's weather normalization methodology and the reasonableness of the weather normalization results.
- The consistency of Hydro One's forecast with those prepared by other parties (e.g. the IESO) recognizing methodological and definitional differences.
- The translation of the load forecast into Hydro One's Transmission billing determinants.

The Board confirms that all of these issues are included in Issue 2.1.

VECC proposed changes to Issue 2.2 with respect to "other revenues". VECC pointed out that the External Revenue section of Hydro One's does not deal with export revenues, which are addressed later in the filing. VECC suggested that either the Board clarify that "other revenues" includes export revenues or that the issue be revised to read: Issue 2.2: Are Other Revenue (including export revenue) forecasts appropriate?

The Board agrees that the issue should be clarified to include export revenue and the revised Issue 2.2 will be adopted.

AMPCO sought confirmation that the scope of Issue 2.2 allows for an examination of Hydro One's activities on behalf of other organizations, for which it may not be receiving revenue. AMPCO used the example of pre-development work in support of the Ontario Power Authority.

The Board confirms that the specific issue of OPA pre-development work, and Hydro One's recovery of its expenses related to such work, is appropriately dealt with under Issue 5.3 (deferral/variance accounts). The Board expects that the more general issue of "activities on behalf of other organizations" is appropriately addressed under Issue 4.1 or 4.2 (capital expenditures).

3. OM&A

3.1 Are the proposed spending levels for Sustaining and Development OM&A in 2009 and 2010 appropriate, including consideration of factors such as system reliability and asset condition?

3.2 Are the proposed spending levels for Shared Services and Other O&M in 2009 and 2010 appropriate?

3.3 Are the compensation levels proposed for 2009 and 2010 appropriate?

AMPCO sought confirmation that the scope of Issue 3.1 includes consideration of whether the cost input assumptions (e.g., materials price escalation) are appropriate.

The Board confirms that consideration of cost input assumptions are appropriate.

VECC sought confirmation that in considering the appropriateness of the proposed spending levels for Shared Services (Issue 3.2) it would be appropriate to consider both the total corporate O&M costs as well as the proportion allocated to the transmission business.

The Board agrees that in considering Issue 3.2 it will necessary to consider the appropriateness of the allocation methodology and the level of costs allocated. The Board does not agree that it will be necessary to determine the appropriateness of the overall corporate O&M costs in order to determine the appropriate levels for the transmission business.

VECC sought confirmation that the reference to compensation in Issue 3.3 includes both staffing levels and per employee compensation. VECC also noted that the revenue requirement includes pension and post employment benefit costs and sought clarification as to whether these items are included in the scope of Issue 3.3.

The Board confirms that it is appropriate under Issue 3.3 to examine staffing levels, per employee compensation, pension and post employment benefits.

VECC proposed the following issues be added:

- Is Hydro One Networks' proposed transmission overhead capitalization rate appropriate?
- Are the amounts proposed to be included in the 2009 and 2010 revenue requirements for income and other taxes appropriate?

VECC submitted that these issues were required to ensure that certain calculations have been carried out appropriately and in accordance with previously approved Board methodologies.

The Board has determined that it is appropriate to add these issues to the list.

Pollution Probe proposed an issue be added related to conservation and demand management: "Are the proposed Conservation and Demand Management programs, targets and spending levels appropriate?"

The Board has determined that it is not appropriate to include this proposed issue. Hydro One submitted that its application contains no request for funding of CDM programs and that the development of such programs is under the purview of direct customers and the OPA. The Board notes that CDM programs have been, and continue to be, distribution based. Pollution Probe referred to recent statements by the Minister of Energy about the role of local distribution companies and submitted that Hydro One acts in the role of an LDC for its customers who are directly connected to the transmission system. Given the size and sophistication of these directly connected customers, the Board does not agree that the analogy with LDCs is appropriate.

4. Capital Expenditures and Rate Base

- 4.1 Are the proposed 2009 and 2010 Sustaining and Development and Operations capital expenditures appropriate, including consideration of the factors such as system reliability and asset condition?**
- 4.2 Are the proposed 2009 and 2010 levels of Shared Services and Other Capital expenditures appropriate?**

AMPCO sought confirmation that the scope of Issue 4.1 includes consideration of whether the cost input assumptions (e.g., materials price escalation) are appropriate.

The Board confirms cost input assumptions are appropriately included under Issue 4.1.

VECC proposed that the following capital spending and rate base related issues be added:

- Are the actual net fixed asset values for 2006, 2007 and the projected values for 2008, 2009 and 2010 appropriate?
- Is the submitted Lead Lag study appropriate for the development of the Working Capital component of the Rate Base?

Hydro One agreed and proposed alternative language which would cover both issues in a single issue: "Are the amounts proposed for rate base in 2009 and 2010 appropriate?"

The Board agrees that fixed asset values and working capital are appropriate issues, but also agrees with Hydro One that these issues can be combined in a single issue. The Board will add the issue using the wording proposed by Hydro One.

VECC proposed an issue be added related to depreciation: "Is Hydro One Networks' proposed depreciation expense for 2009 and 2010 appropriate?"

The Board has determined that this issue should be added, but that it is more appropriately included in section 3 OM&A.

5. Deferral/Variance /Accounts

- 5.1 Are the proposed amounts and disposition for each of the deferral and variance accounts appropriate?**

5.2 Is the proposed continuation of the Deferral/Variance Accounts appropriate?

5.3 Are the proposed new Deferral/Variance Accounts appropriate?

VECC proposed a revised Issue 5.1: “Are the proposed amounts and disposition of each of Hydro One’s existing deferral and variance accounts appropriate?”

The Board notes that only those deferral and variance accounts that exist can be dealt with. The Board has determined that it is not necessary to change the wording of the Issue.

6. Cost Allocation

6.1 Would it be appropriate to make changes to cost allocation in response to the study submitted on line connection costs for customers directly connected to network stations?

VECC proposed an issue be added related to a due diligence review of cost allocation: “Has Hydro One Networks’ cost allocation methodology been applied appropriately?” VECC characterized the issue as one of confirming “that the cost allocation methodology that was reviewed and adopted in RP-2006-0501 has been applied properly.”

The Board will add this issue. The Board, however, expects that examination of this issue will be limited given VECC’s characterization of the issue and given that Hydro One is not proposing any changes to the methodology.

Other Issues

VECC noted that there are no issues on the proposed list regarding the cost of capital. VECC pointed out that there is a substantive issue in this area, namely the forecast cost of new long-term debt for 2008 and 2009. VECC suggested that this could either be included under its proposed related to economic and planning assumptions or set out as a separate issue. In the latter case, the issue could be stated as follows: “Is the forecast of new long-term debt for 2008-2010 appropriate?”

The Board considers that it is appropriate to examine the new long-term debt and will add the issue as proposed by VECC.

VECC also requested that the Board include an issue related to costs of capital to ensure that the guidelines regarding capital structure, cost of equity and cost of short term debt have been appropriately applied. VECC suggested the following: “Is the proposed cost of capital consistent with the Board approved guidelines?”

Hydro One has indicated that it will follow the Board’s guidelines in relation to capital structure, return on equity and cost of short-term debt. The Board will therefore determine these amounts, in accordance with the guidelines, when it issues its decision in this proceeding. The Board concludes that an additional issue to address these matters is not required.

AMPCO proposed a new issue: “Have the proposed charge determinants been forecast appropriately for each of the transmission revenue pools?”

The Board confirms that this issue can be addressed under issue 2.1.

AMPCO suggested adding the following issue: “Is the proposal to continue with the status quo charge determinants for Network and Connection service appropriate and consistent with the objectives of the OEB to promote economic efficiency and cost effectiveness in the generation, transmission, distribution, sale and demand management of electricity?”

The Board has determined that this issue is appropriate and notes that Hydro One did not object to its inclusion. The Board notes that it is not necessary to include language related to the Board’s objectives as these objectives are relevant to the consideration of all the issues. The Board therefore will therefore add the following issue: “Is the proposal to continue with the status quo charge determinants for Network and Connection service appropriate?”

AMPCO also proposed the following new issue: “Is the current level of the Export Transmission Service Tariff appropriate?”

The Board considers this to be appropriately dealt with in the context of issue 1.1. The Board will consider the response to the Board’s directive and the ramifications for the Export Transmission Service Tariff.

Procedural Order No. 2

The schedule for filing interrogatories and responses to interrogatories as set out in Procedural Order No. 1 remains valid. Interrogatories should clearly indicate the issue number to which they relate and all references to Exhibits should be clearly indicated as to exhibit, tab, schedule, page and if appropriate, line numbers.

A revised list of intervenors is attached at Appendix B.

The Board considers it necessary to make provision for the following matters related to this proceeding. The Board may issue further procedural orders from time to time.

THE BOARD ORDERS THAT:

1. Written interrogatories and any evidence filed in relation to Hydro One's application must relate to one or more of the issues on the Board approved Issues List attached as Appendix A to this Order.
2. Intervenors and Board staff wishing to submit evidence shall file that evidence with the Board and deliver it to the Hydro One and other Intervenors on or before Wednesday January 14, 2009
3. Any party (Intervenors, Board staff or Hydro One) that requires additional information that is related to an Intervenor's filed evidence, and that is relevant to the hearing, shall request it by written interrogatories filed with the Board and delivered to the parties on or before Wednesday January 21, 2009.
4. Responses to the interrogatories shall be filed with the Board and delivered to Hydro One and the Intervenors on or before Wednesday January 28, 2009.
5. All filings to the Board noted in this Procedural Order must be in the form of 2 hard copies and must be received by the Board by **4:45 p.m.** on the stated dates. An electronic copy of the filing must also be provided. If you already have a user ID, the electronic copy of your filing should be submitted through the Board's web portal at www.errr.oeb.gov.on.ca. If you do not have a user ID, please visit the "e-Filing Services" page on the Board's website at www.oeb.gov.on.ca and fill out

a user ID password request. For instructions on how to submit and naming conventions, please refer to the RESS Document Guidelines also found on the “e-Filing Services” webpage. If the Board’s web portal is not available, the electronic copy of your filing may be submitted by e-mail at Boardsec@oeb.gov.on.ca. Those who do not have internet access are required to submit the electronic copy of their filing on a CD or diskette in PDF format.

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ISSUED at Toronto, December 1, 2008

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary

APPENDIX A

HYDRO ONE NETWORKS INC TRANSMISSION RATE HEARING

EB-2008-0272

FINAL ISSUES LIST

1. GENERAL

1.1 Has Hydro One responded appropriately to all relevant Board directions from previous proceedings?

2. LOAD FORECAST and REVENUE FORECAST

2.1 Is the load forecast and methodology appropriate and have the impacts of Conservation and Demand Management initiatives been suitably reflected?

2.2 Are Other Revenue (including export revenue) forecasts appropriate?

3. OM&A

3.1 Are the proposed spending levels for Sustaining and Development OM&A in 2009 and 2010 appropriate, including consideration of factors such as of system reliability and asset condition?

3.2 Are the proposed spending levels for Shared Services and Other O&M in 2009 and 2010 appropriate?

3.3 Are the compensation levels proposed for 2009 and 2010 appropriate?

3.4 Is Hydro One Networks' proposed transmission overhead capitalization rate appropriate?"

3.5 Are the amounts proposed to be included in the 2009 and 2010 revenue requirements for income and other taxes appropriate?

3.6 Is Hydro One Networks' proposed depreciation expense for 2009 and 2010 appropriate?

4. CAPITAL EXPENDITURES and RATE BASE

4.1 Are the proposed 2009 and 2010 Sustaining and Development and Operations capital expenditures appropriate, including consideration of factors such as system reliability and asset condition?

4.2 Are the proposed 2009 and 2010 levels of Shared Services and Other Capital expenditures appropriate?

4.3 Are the amounts proposed for rate base in 2009 and 2010 appropriate?

4.4 Is the forecast of long term debt for 2008-2010 appropriate?

5. DEFERRAL/VARIANCE ACCOUNTS

5.1 Are the proposed amounts and disposition for each of the deferral and variance accounts appropriate?

5.2 Is the proposed continuation of the deferral/variance accounts appropriate?

5.3 Are the proposed new Deferral/Variance Accounts appropriate?

6. COST ALLOCATION

6.1. Would it be appropriate to make changes to cost allocation in response to the study submitted on line connection costs for customers directly connected to networks stations?

6.2 Has Hydro One Networks' cost allocation methodology been applied appropriately?

7. CHARGE DETERMINANTS

7.1 Is the proposal to continue with the status quo charge determinants for Network and Connection service appropriate?

APPENDIX B

HYDRO ONE NETWORKS INC. TRANSMISSION RATE HEARING

EB-2008-0272

APPLICANT & LIST OF INTERVENTIONS

December 1, 2008

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