

Our File: 255673

October 18, 2007

BY E-MAIL AND REGULAR MAIL

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

Dear Ms. Walli:

**Re: Customer Connection Procedures (Hydro One & Great Lakes Power) per
Transmission System Code Requirements (EB-2006-0189 EB-2006-0200)**

We are counsel to the Electrical Contractors Association of Ontario ("ECAO"), an intervenor in respect of the above matter. We are writing further to:

1. the Hydro One Networks Inc. ("**Hydro One**") Notice of Motion to vary the Board's decision and order dated September 6, 2007 (the "**Motion to Vary**");
2. Mr. Richard Stephenson's letter dated October 10, 2007 on behalf of the Power Workers Union ("**PWU**"); and
3. Mr. Brian Armstrong's letter dated October 16, 2007 on behalf of Bruce Power Inc. ("**Bruce Power**").

Although the Motion to Vary was not filed until October 9, 2007, long past the deadline for filing such a motion, Hydro One has not provided any reasonable explanation for the late filing. Further, the Motion to Vary does not seek an extension of time for late filing, nor does it list any grounds upon which such relief should be considered, and therefore the Motion to Vary should be denied.

The Hydro One Motion to Vary and the correspondence from PWU and Bruce Power comment on the procedure with respect to the EB-2006-0189/EB-2006-0200 proceeding and the Board's

decision prohibiting Hydro One from undertaking work on customer-owned facilities, and requiring Hydro One to comply with section 71 of the *Ontario Energy Board Act, 1998*. We find these comments puzzling given that there was ample opportunity throughout the EB-2006-0189/EB-2006-0200 proceeding to file evidence, ask interrogatories and make submissions on the issue of contestable work in the customer connection procedures. As any participant could have done, ECAO filed affidavit material on the issue of contestability and, as Hydro One has noted in its Notice of Motion, both the Board and ECAO filed interrogatories on this issue. We also note that Hydro One made submissions on the contestability issue in its submissions dated February 23, 2007 and PWU was an active intervenor in the proceeding.


With respect to Bruce Power, we simply note that it chose not to participate in the EB-2006-0189/EB-2006-0200 proceeding and submit that it is not appropriate now for Bruce Power to take issue with the outcome of the proceeding.

We also note that at no time during the EB-2006-0189/EB-2006-0200 proceeding did Hydro One or PWU (or any other party) express concerns with respect to the completeness of the evidentiary record or the opportunity to make submissions on the issue of contestability. Rather, as noted above, Hydro One made submissions on this issue.

Finally, we note that the comments of Hydro One, PWU and Bruce Power fail to acknowledge that contestable work can be performed through an affiliate of the transmitter as contemplated by the applicable legislation.

Yours truly,

MACLEOD DIXON LLP



Robert Frank

- c. Eryl Roberts (*via email*)
Hydro One Networks Inc.
Great Lakes Power Limited
Intervenors (*via email*)