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RP-2003-0184

EB-2003-0226

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

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AND IN THE MATTER OF an application pursuant to section 74 of the Ontario Energy Board Act, 1998 by Hydro One Networks Inc. (ED-1999-0329) to amend the Distribution Licence of Brant County Power Inc. (ED-2002-0522).

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BY DELEGATION, BEFORE: Mark C. Garner, Secretary.

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DECISION AND ORDER

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On August 13, 2003, Hydro One Networks Inc. ("Networks") filed an application (the "Application") with the Ontario Energy Board pursuant to section 74 of the Ontario Energy Board Act, 1998. In its Application, Networks sought an Order of the Board to amend Schedule 1 of its Distribution Licence to include the addition of one new customer, Holy Cross Cemetery ("the customer"), whose site is located within the licensed distribution service area of Brant County Power Inc. ("Brant County") and is adjacent to and along the north boundary between the licensed service areas of Networks and Brant County.

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On September 26, 2003, Hydro One Networks amended its application, to request that the service area of Brant County be amended to specifically exclude the Holy Cross Cemetery property. In its Application, Networks also requested that the Board proceed with this application in an expeditious manner and issue an approval to permit the connection of this customer without a hearing, pursuant to subsection 21(4) of the Ontario Energy Board Act.

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The Application

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Brant County currently provides a single-phase connection to the Holy Cross Cemetery, an operator of a cemetery facility. The customer is seeking to expand its facilities and requires a three phase connection. Brant County would have to construct 2 km of line to provide the customer with a three-phase connection. However, Networks has a three-phase line which is located across the road from the customer.

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Networks indicates in its amended application that the customer approached Brant County to provided three phase servicing but was directed to approach Networks due to the proximity of Networks' facilities. Brant County indicated in correspondence, filed with the original application of August 13, 2003, that the customer requested both Brant County and Networks provide offers for a three phase supply connection. The customer was provided with a costing for the three phase service connection from Networks. On the basis of cost and proximity, the customer accepted Networks offer to connect. The customer was advised of Networks' requirement to gain a service area amendment from the Ontario Energy Board prior to providing connection service.

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In a letter accompanying the amended application, Brant County indicates that it does not oppose the proposed amendment to its service area. The application also submits that no person will be adversely affected by the outcome of this application.

12 **Findings**

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Brant County, Networks and the customer are in agreement with the proposal to amend Brant County's licence to include the customer in its service area. The facts in this application indicate that no other person will be adversely affected in a material way by the application. Therefore, the application can be disposed of without a hearing as per subsection 21 (4) (b) of the Ontario Energy Board Act, 1998.

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Based on the information provided, approval of this Application is in the public interest. The application does not raise policy issues, and the proposed amendment reflects a practical compromise between the two affected distributors. The Distribution Licence of Brant County (ED-2002-0522) shall be amended so as to exclude from its service territory the property described as "James Wilkes Grant Augustus Jones Track", Part of Lot 23, Concession 1, Brantford Township, County of Brant (civic address 620 Governors Road East, Paris, Ontario).

15 **IT IS ORDERED THAT:**

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1 Schedule 1 of Brant County Power Inc.'s Distribution Licence (ED-2002-0522) is amended to exclude the property described as "James Wilkes Grant Augustus Jones Track", Part of Lot 23, Concession 1, Brantford Township, County of Brant (civic address 620 Governors Road East, Paris, Ontario).
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2 An amended Schedule 1 of Brant County Power Inc.'s Distribution Licence (ED-2002-0522) is set out in Appendix "A" to this Order.

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DATED at Toronto, October 6, 2003

Peter H. O'dell
Assistant Secretary

**APPENDIX “A” TO
DECISION AND ORDER
BOARD FILE NO. RP-2003-0184/EB-2003-0226
DATED October 6, 2003**

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Schedule 1 - Definition of Distribution Service Area

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This Schedule specifies the area in which the Licensee is authorized to distribute and sell electricity in accordance with condition 8 of this Licence

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1 The Town of Paris as of December 31, 1998, now within the County of Brant.

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2 The Township of Brantford as of December 31, 1998, now within the County of Brant, excluding the property described as the “James Wilkes Grant Augustus Jones Track”, Part of Lot 23, Concession 1, Brantford Township, County of Brant (civic address 620 Governors Road East, Paris, Ontario).

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3 The Village of Burford as of December 31, 1998, now within the County of Brant.

Changed since [\[oeb:12SKQ-0:25\]](#)

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4 The Police Village of St. George as of December 31, 1980, now within the County of Brant.

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