

<b>Newmarket-Tay Power Distribution Ltd.</b>	<b>Number:</b> NT POWERCOS-170-00
<b>Conditions of Service</b>	<b>Issue Date:</b> July, 2007
<b>Distributor Rights</b>	<b>Next Review Date:</b> November, 2012

## 1. Preamble

*Distributors* have rights regarding their relationship with *Consumers* and *Generators*. This section outlines the rights of Newmarket-Tay Power Distribution Ltd. (NT POWER) that are not covered elsewhere in this document.

## 2. Access to Private Property

NT POWER shall have access to *private property* in accordance with Section 40 of the *Electricity Act*.

Commercial, Institutional and Industrial electrical rooms are to have direct external access and NT POWER and the *Consumer* are to have keys for same.

## 3. Safety of Equipment

The *Consumer*, *Generator*, or *Applicant* will comply with all aspects of the *Ontario Electrical Safety Code* with respect to insuring that equipment is properly identified and connected for metering and operation purposes and will take whatever steps necessary to correct any deficiencies, in a timely fashion. If the *Consumer*, *Generator* or *Applicant* does not take such action within a reasonable time, NT POWER may *disconnect distribution services* to the *Consumer*, *Generator* or *Applicant*.

The *Consumer*, *Generator* or *Applicant* shall not build, plant or maintain or cause to be built, planted or maintained any structure, tree, shrub or landscaping that would or could obstruct the *distribution system*, endanger the equipment of NT POWER, interfere with the proper and safe operation of NT POWER's facilities, or adversely affect compliance with any applicable legislation in the sole opinion of NT POWER.

The *Consumer*, *Generator*, or *Applicant* shall not use or interfere with the *distribution system* of NT POWER except in accordance with a written agreement with NT POWER. The *Consumer*, *Generator* or *Applicant* must also grant NT POWER the right to secure any point where a *connection* may be made on the line or load side of the *metering installation*.

## 4. Operating Control

The *Consumer*, *Generator* or *Applicant* will provide a convenient and safe place, satisfactory to NT POWER, for installing, maintaining and operating its equipment in,

on, or about the *Consumer, Generator or Applicant's building*. NT POWER assumes no risk and will not be liable for damages resulting from the presence of its equipment on the *Consumer, Generator or Applicant's* premises or approaches thereto, or for any action, omission or occurrence beyond its control, or the negligence of any *Persons* over whom NT POWER has no control.

Only an employee or an agent of NT POWER shall remove, replace, alter, repair, inspect or tamper with NT POWER's equipment.

*Consumers, Generators or Applicants* will be required to pay the cost of repairs or replacement of NT POWER's equipment that has been damaged or lost by the direct or indirect act or omission of the *Consumer, Generator or Applicant* or its agents.

The physical location on the *Consumer, Generator or Applicant's building*, at which a *distributor's* responsibility for operational control of distribution equipment, including *connection assets*, ends is defined by the *OEB Distribution System Code (DSC)* section 1.2 - Definitions as the "*operational demarcation point*".

## 5. Repairs of Defective Customer Electrical Equipment

The *Consumer, Generator or Applicant* will be required to repair or replace any equipment owned by the *Consumer, Generator or Applicant* that may affect the integrity or reliability of NT POWER's *distribution system*. If the *Consumer, Generator or Applicant* does not take such action within a reasonable time, NT POWER may *disconnect* the supply of *distribution services* to the *Consumer, Generator or Applicant*. NT POWER's policies and procedures with respect to the *disconnection* process are further described in *Conditions of Service NT POWERCOS-220-01, Disconnection*.

## 6. Repairs of Customer's Physical Structures

Depending on the *ownership demarcation point*, construction and maintenance of all civil works on *private property* owned by the *Consumer, Generator or Applicant*, including such items as transformer vaults, *transformer rooms*, transformer pads, cable chambers, cable pull rooms and underground conduit, will be the responsibility of the *Consumer, Generator or Applicant*. All civil work on *private property* must be inspected and accepted by NT POWER and the *Electrical Safety Authority*. The *OEB DSC* defines "*ownership demarcation point*" as the physical location at which a *distributor's* ownership of distribution equipment including *connection assets* ends at the *Consumer, Generator or Applicant*.

To the satisfaction of NT POWER, the *Consumer, Generator or Applicant* is responsible for the safe operation and maintenance of their structural and mechanical facilities located on *private property*.

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