



January 14, 2008

Ms. Kirsten Walli  
Board Secretary  
Ontario Energy Board  
P.O. Box 2319  
2300 Yonge Street  
27<sup>th</sup> floor  
Toronto, ON M4P 1E4

Re: **EB-2007-0772:**  
**Comments – Proposed Smart Sub-Metering Code**

Dear Ms. Walli:

Following from your notice of January 8, 2008 the Building Owners and Managers Association of Greater Toronto (BOMA) is pleased to provide these comments regarding the proposed smart sub-metering code.

The Building Owners and Managers Association is an international organization of 18,000 commercial real estate professionals. BOMA Toronto, with a network of close to 800 members, represents the association in the Greater Toronto Area. BOMA has consistently represented the voice of large commercial energy consumers in Ontario.

We appreciate the scope of this new code is limited to condominiums, which is not generally representative of BOMA membership. We offer these comments from the perspective of seeking regulatory clarity and efficiency, while providing a sound basis for the provision of competitive energy services.

Sub-metering is an integral service to the operation of many commercial buildings. We have found the sub-meter industry to be well represented by professional firms who compete on the basis of quality of service, price and reputation. We understand that large scale implementation of sub-metering in multi-residential condominiums introduces additional considerations of consumer protection.

As such, we support the OEB in establishing appropriate licensing and codes for the provision of sub-metering services in condominiums.

Generally we support the principle that residential consumers should be afforded comparable protection to what they would otherwise receive under the Distribution System Code. E.g. Conditions of Service, security deposit and disconnection policies, VEE procedures, billing that is consistent with LDCs, etc. However we note the proposed smart sub-meter code appears to impose additional requirements on sub-meter providers.

For example: Section 3.2.2 requires the smart sub-meter provider to make its Conditions of Service publicly available, as is the requirement for LDCs under the Distribution System Code. However 3.2.3 goes on to require that a copy of the Conditions of Service be provided to each consumer. This is not required of LDCs and appears to be unnecessary and impractical. Similarly the requirement of section 3.1.3 for the smart sub-meter provider to provide each consumer with agreements that detail capital investments, depreciation etc. appear to be misplaced, with no parallel to the obligation of LDCs.

We note that section 2.2.1 requires the smart sub-metering provider to ensure that the master meter is an interval meter. The ownership and responsibility for the 'master meter' would of course remain with the LDC. So it is difficult to see how the sub-metering provider could assume such an obligation. Perhaps some clarification, or addition, is warranted here to confirm that the LDC has an obligation to facilitate the provision of an interval meter in a timely and reasonable manner.

Lastly, and more generally, we fail to appreciate the intention of the Board in allowing regulated LDCs to also become licensed as a provider of competitive smart sub-metering services. After the considerable work to strengthen and clarify the Affiliate Relations Code, we see this as creating further potential for cross subsidy, consumer confusion and improper overlap of regulated and affiliate activities. LDCs can make smart metering available to individual condominium owners, as they do to any residential consumer, *as a regulated activity*. If the condominium corporation chooses to employ sub-metering it is presumably because they are seeking alternate offerings. This code and the related licensing will properly facilitate such competitive services. We do not see any value in having LDCs operate on both the regulated and competitive 'sides of the street'.

Thank you for your consideration of these comments. As always we would be pleased to provide any further elaboration as you may require.

Yours truly,



Chuck Stradling  
Executive Vice President  
BOMA Toronto