

IN THE MATTER OF the Ontario Energy Board's Notice of Revised Proposal to Amend a Code and Notice of Revised Proposal to Issue a New Code, dated June 10, 2008

AND IN THE MATTER OF the Revised Proposed Amendment to the *Distribution System Code* and the creation of the Smart Sub-Metering Code

SUBMISSION BY THE SMART SUB-METERING WORKING GROUP

1. The Smart Sub-Metering Working Group¹ (the "Group") is grateful for this opportunity to provide comments in respect of the Board's Revised Proposal dated June 10, 2008 (the "Revised Proposal") to amend the *Distribution System Code* ("DSC") and to create a Smart Sub-Metering Code (the "Code").

Overview

2. On the whole, the Group is supportive of the Revised Proposal. The Group believes that the proposed revisions to the DSC, and the revised proposed Code, when read in conjunction with the Notices issued by the Ontario Energy Board ("OEB") in this matter on January 8 and June 10, 2008, represent a fair and appropriate approach to the OEB's supervision of smart sub-metering activities in condominiums.
3. The Group has only one area of comment, which relates to the proposed amendments in the new section 5.1.9 of the DSC and to the proposed amendments to section 2.2.1 of the Code. As set out in more detail below, the Group believes that these provisions should make clear that smart sub-metering providers may deal with licensed distributors on behalf of condominium corporations or developers, as long as the smart sub-metering provider has a contract with the condominium corporation or developer to do so.

Smart Sub-Meterer as Authorized Representative of Condominiums

4. In its June 10, 2008 Notice, the OEB stated that a smart sub-metering provider is not, in its own right, a customer of the licensed distributor, but instead only acts under the

¹ The Group consists of the following members: Carma Industries, Enbridge Electric Connections Inc., Hydro Connection Inc., Intellimeter Canada Inc., Rodan Energy & Metering Solutions Inc., Stratacon Inc., and Wyse Meter Solutions.

authority of a contract with a condominium corporation or developer. This is consistent with the Group's perspective, as set out in its earlier submissions, that any duties and obligations of a smart sub-metering provider to a condominium arise only as a result of a contract between the parties.

5. Importantly though, the June 10, 2008 OEB's Notice also recognized that the smart sub-metering provider could be authorized by the owner of the subject condominium building (whether that is the developer or the condominium corporation) to provide products and services to the condominium, which itself is an exempt distributor. In that regard, the OEB's Notice made clear that there are circumstances where an authorized smart sub-metering provider may deal with the licensed distributor on the condominium's behalf, essentially as an authorized agent.
6. For example, the OEB's June 10, 2008 Notice provided that a smart sub-metering provider can request a connection to a condominium building, request an interval meter from the licensed distributor, or undertake billing and collection services, so long as the smart sub-metering provider has been authorized to do so by the owner of the condominium building.²
7. Notwithstanding the recognition in the June 10, 2008 Notice of authorized smart sub-metering providers' role in dealing directly with licensed distributors, the Group is concerned that a reader of the proposed amendments to the DSC, and the proposed Code (as amended) might not appreciate that a smart sub-metering provider is entitled to deal directly with a licensed distributor on the condominium's behalf. In other words, the concern is that a licensed distributor might insist on receiving instructions from, and rendering accounts to, the condominium corporation or developer itself rather than the smart sub-metering provider appointed by the condominium to deal with these issues. Were that the case, then the condominium corporation or developer would lose out on one of the benefits of contracting with a smart sub-meterer: having an experienced and expert energy services provider attend to the administration of the condominium's account with the licensed distributor.

² See, for example, pages 3 and 5 of the June 10 Notice.

Proposed Amendments

8. To address this concern, the Group proposes modest changes to the proposed new section 5.1.9 of the DSC, and section 2.2.1 of the proposed Code (as amended), to recognize that an authorized smart sub-metering provider is a proper person to make requests of a licensed distributor for installations of metering equipment at the subject condominium.

9. The Group suggests that section 5.1.9 of the DSC be amended to read:

5.1.9 Smart Meters in Condominiums

When requested by either:

(a) the board of directors of a condominium corporation;

(b) the developer of a building, in any stage of construction, on land for which a declaration and description is proposed or intended to be registered pursuant to section 2 of the *Condominium Act, 1998*; or

(c) a smart sub-metering provider who has written authorization from a person in subsection (a) or (b) above

a distributor shall install smart metering that meets the functional specification of Ontario Regulation 425/06—Criteria and Requirements for Meters and Metering Equipment, Systems and Technology (made under the *Electricity Act*).

10. The Group suggests that section 2.2.1 of the Code be amended to read:

2.2 Technical Requirements for the Master Meter

2.2.1 A smart sub-metering provider shall ensure that either:

(a) the board of directors of a condominium corporation;

(b) the developer of a building, in any stage of construction, on land for which a declaration and description is proposed or intended to be registered pursuant to section 2 of the *Condominium Act, 1998*; or

(c) a smart sub-metering provider who has written authorization from a person in subsection (a) or (b) above

has requested, and a distributor has installed, a master meter that is an interval meter before beginning to provide smart sub-metering services.

11. The Group would be pleased to respond to any questions in respect of this submission.

All of which is respectfully submitted this 24th day of June 2008.