

David Stevens
Direct: 416.865.7783
E-mail: dstevens@airdberlis.com

August 7, 2009

Via Email and Delivered

Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
P.O. Box 2319
27th Floor
2300 Yonge Street
Toronto, ON M4P 1E5

Dear Ms. Walli:

**Re: PowerStream Inc. 2009 Cost of Service Electricity Distribution Rates
Board File No. EB-2008-0244
Intervenor: Smart Sub-Metering Working Group**

We represent the Smart Sub-Metering Working Group ("SSMWG").

In accordance with the timelines set out in the Majority Decision in this matter, we write to provide the SSMWG's comments on the draft Rate Order package circulated by PowerStream Inc. on July 31st.

The SSMWG is concerned with the wording of the final paragraph in the proposed new version of section 2.3.7.3.5 of PowerStream's Conditions of Service (titled "Multi-Unit Residential Suite Buildings and indexed as Schedule K, Page 2 of 5). As written, the paragraph suggests that PowerStream (or at least its Metering Department) will exercise some power of approval over requests to have condominium buildings sub-metered by licensed smart sub-metering providers. That is not appropriate; there is no basis for PowerStream to review or approve the smart sub-meterer's plans for an installation within the condominium.

We suggest that the paragraph be replaced by the following:

The design and installation for sub-metered systems will meet the requirements set out in the Metering provisions of the Smart Sub-Metering Code issued by the OEB.

Given that the Metering provisions of the Smart Sub-Metering Code require that the licensed smart sub-metering provider must comply with the Functional Specification document referred to in Ontario Regulation 425/06 (Criteria and requirement for Meters and Metering Equipment, Systems and Technology) and must comply with Measurement Canada standards, this should provide PowerStream with the comfort that it requires that the system being installed is compatible.

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We would be pleased to respond to any questions that the Board may have.

Yours very truly,

AIRD & BERLIS LLP

Original signed by,

David Stevens

DS/

cc The Applicant
cc Intervenors

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