



**EB-2009-0111**

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

**AND IN THE MATTER OF** an order or orders authorizing  
certain distributors to conduct specific discretionary metering  
activities under section 53.18 of the *Electricity Act, 1998*,  
S.O. 1998, c. 15, Schedule A.

**BEFORE:** Paul Sommerville  
Presiding Member

## **DECISION**

On May 5, 2009, the Ontario Energy Board (the “Board”) issued a Notice of Written Hearing and Procedural Order No. 1 (the “Notice”) commencing a proceeding to determine whether, and if so under what conditions, certain distributors that have not otherwise been authorized to conduct discretionary metering activities in accordance with section 53.18 of the *Electricity Act, 1998* should be authorized to do so by an order or orders of the Board.

The Notice stated the Board intended to proceed by way of a written hearing unless a party satisfied the Board that there was a good reason that an oral hearing was necessary. The Notice further provided that objections to a written hearing had to be filed on or before May 12, 2009. The Board received 14 submissions objecting to a written hearing.

The submissions objecting to a written hearing were filed by individual tenants/consumers and by organizations representing the interests of tenants/consumers. The grounds for requesting an oral hearing varied, and included the following: that transparency requires an oral hearing; that tenants should be

allowed to express their concerns directly to the Board; and that the legislative and policy framework regarding smart sub-metering is complex and therefore requires an oral hearing to address all of the issues.

The Board believes that a written hearing affords the same level of openness and transparency as does an oral one. The Board conducts many of its hearings as written hearings and those hearings are no less public and transparent than the oral hearings. The Board believes that a written proceeding will allow tenants to adequately and fully express their concerns to the Board and will do so in a manner that facilitates the receipt of submissions from interested parties residing in all regions of the Province. One party submitted that oral proceedings "encourage the participation and engage the interest of more people," more than written hearings. The Board does not agree with that view. In fact, the number of written submissions already received by the Board in this proceeding contradicts that view.

While the Board acknowledges that this proceeding involves certain complexities, the Board is not persuaded that those complexities cannot adequately be dealt with in the context of a written hearing.

The Board believes that the issues that are within its jurisdiction that are raised in this proceeding can be dealt with through a written hearing. The Board is not, at this time, satisfied that an oral hearing is required, and will therefore proceed by way of written hearing. The timelines set out in the Notice remain in effect.

**ISSUED** at Toronto, May 22, 2009

ONTARIO ENERGY BOARD

*Original signed by*

Kirsten Walli  
Board Secretary