



EB-2009-0127

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

AND IN THE MATTER OF an application by Atop
Communications Inc. for a smart sub-metering
licence.

By delegation, before: Theodore Antonopoulos

DECISION AND ORDER

Atop Communications Inc. ("Atop" or the "Applicant") filed an application dated April 27, 2009 with the Ontario Energy Board under section 60 of the *Ontario Energy Board Act*, 1998 (the "Act") for a smart sub-metering licence.

The Board's Notice of Application and Written Hearing for a smart sub-metering licence was posted on the Board's website on May 15, 2009. No parties responded to the Notice of Application and Written Hearing.

After considering the application, it has been found to be in the public interest to issue the smart sub-metering licence under Part V of the Act. The standard term for a sub-metering licence is five years. However, I am issuing this smart sub-metering licence for a period of two years.

In the Decision and Order for proceeding EB-2007-0953, the Board approved Atop's licence application and issued the licence for a term of one year. The Board indicated that it had concerns with certain aspects of Atop's application and directed Atop to file a business and financial plan as part of its next licence application.

In support of the subject application, the Applicant filed a ten year business and

financial plan. I note that the plan appears to be detailed and comprehensive. However, certain aspects of the plan raise concerns over the Applicant's ability to remain a reliable participant in the electricity market for the mid to long term.

If the Applicant decides to renew its smart sub-metering licence, I expect that the Applicant will provide an update to its business and financial plan as part of its next application. I expect that the Applicant will take these next two years to demonstrate that it is a reliable participant in the electricity market.

IT IS THEREFORE ORDERED THAT:

1. The application for a smart sub-metering licence is granted, on such conditions as are contained in the attached licence.
2. The applicant shall file an updated business and financial plan with the Board as part of its next smart sub-metering licence application.

DATED at Toronto, August 21, 2009.

ONTARIO ENERGY BOARD

Original signed by

Theodore Antonopoulos
Manager, Electricity Rate Applications