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Please Reply to the TORONTO OFFICE

BY EMAIL and RESS

October 23, 2009
Our File No. 2060604

Ontario Energy Board
2300 Yonge Street
27th Floor
Toronto, Ontario
M4P 1E4

Attn: Kirsten Walli, Board Secretary

Dear Ms. Walli:

Re: EB-2007-0722 – Notice of Revised Proposal to Amend Codes

On October 1, 2009 the Board gave notice of revisions to its proposed amendments to the Distribution System Code, the Retail Settlement Code, and the Standard Supply Service Code, and sought submissions from interested parties. These are the submissions of the School Energy Coalition.

We have provided submissions on previous drafts of these changes, and the Board has taken them into account as the amendments evolved. With one exception, we have no further submissions in this proceeding.

The one exception is the symmetry of the over-billing/under-billing periods. The Board is proposing to adopt a common two-year period for correction of under-billing errors in RSC 7.7.7. However, it is also proposing to apply the same period if the utility has over-billed a customer.

It would appear to us that, as the utility is in control of the billing process, limiting the utility's obligation to repay money it claimed and was paid in error should be undertaken reluctantly. For this reason, we do not believe that the goal of having consistent time periods for over-billing and under-billing is an appropriate one. The situation is inherently asymmetrical in any case, due to the utility's management of the process. Therefore, we believe that the Board should reconsider this

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change, and instead retain the six year period over which over-billed amounts should be calculated and repaid.

We note that many school boards are actively investigating or in some cases implementing energy management systems in their schools, and one of the results of this will be increased ability to spot billing errors and bring them to the attention of the relevant utility. Within ten years, maybe less, most schools will be equipped with this capability, and at that point the difference between two years and six years for over-billing will be largely moot. In the meantime, however, schools should not have their recovery limited to two years. This is especially true if the implementation of their new energy management systems over the next few years is the reason over-billing errors are discovered. If the early adopters find that there is a short-term benefit from these installations, in the form of refunds for over-billed amounts, this will incent all school boards to bring in these systems, which would then have a shorter payback period than the current 12-15 years.

Subject to that comment, we believe that the amendments represent a step forward in adding consistency and protections to certain customer service procedures throughout the province.

We hope our input has been of assistance, and we thank the Board for the opportunity to provide it.

All of which is respectfully submitted.

Yours very truly,

SHIBLEY RIGHTON LLP

A handwritten signature in dark ink, appearing to read 'Jay Shepherd', with a stylized, flowing script.

Jay Shepherd

cc: Bob Williams, SEC (email)
Wayne McNally, SEC (email)
Interested parties (email)