

September 20, 2007

Ms. Kirsten Walli  
Board Secretary  
Ontario Energy Board  
2300 Yonge Street  
27<sup>th</sup> Floor  
Toronto, ON M4P 1E4

Dear Board Secretary:

**Re: Stakeholder Consultation on Electricity Distributors' Provision of Service  
and Application of Charges  
Board File No. EB-2007-0722**

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We are writing on behalf of our client, Enbridge Electric Connections Inc. ("EECI").

EECI intends to participate in the above-noted proceeding and will attend the October 18, 2007 consultation with Board Staff. EECI will not be seeking an award of costs.

EECI notes that the issues for review and discussion, attached as Appendix A to the Ontario Energy Board's ("OEB") Notice dated September 6, 2007, reflects Board Staff's preliminary consideration of issues, and that "the Board will determine the issues that warrant the development of associated policies as the consultation progresses." As it appears that the issues for review and discussion are open for amendment or expansion, EECI offers several additions to the Issues List for the reasons set out below.

EECI carries on business in the competitive smart sub-metering market and will, in compliance with Ontario Regulation 443/07 made under the *Ontario Energy Board Act, 1998*, (the "Act") be applying to the OEB to obtain a licence under Section 57 of the Act by December 31, 2007. EECI is currently serving thousands of residential and commercial consumers.

EECI is concerned that certain distributors have included provisions in their Conditions of Service which are contrary to the Act, the *Electricity Act*, and/or the *Distribution System Code*. These concerns have been expressed to the OEB's Compliance Office, together with a request that these concerns be addressed during the Compliance Office's review of distributors' Conditions of Service. The concerns relate to certain operating and connection practices and policies adopted by distributors which affect customers and consumers. EECI submits that this proceeding affords an appropriate opportunity for such issues to be openly canvassed with Board Staff and interested parties for the purposes of developing appropriate and consistent Board policies in respect of such matters.

EECI has noticed that some distributors are including language in their Conditions of Service (and advising customers orally) that they have, in effect, exclusive jurisdiction to individually meter suites in a multi-unit building. EECI understands that some customers

have interpreted this language to require that they acquiesce to the distributor's demand that it individually meter a multi-unit building as a prerequisite to obtaining electrical service from the distributor.

The same and/or other distributors are including language in their Conditions of Service to the effect that they will no longer supply bulk meters to multi-unit buildings, effectively excluding developers from entertaining offers from smart sub-meterers competing to provide smart metering services to such buildings. Other distributors include language in their Conditions of Service suggesting that their service offering includes "sub-metering", yet EECI is not aware of any affiliate through which the distributor would be providing such sub-metering services. Intuitively, a licensed distributor cannot be a sub-meterer downstream of itself. Accordingly, the use of such language only tends to confuse customers and consumers, and should be rectified.

EECI notes that the above concerns fall into each of the three groups of issues identified in the OEB's Notice of September 6, 2007. The first group: "Customer Service" could be expanded to include an examination of the practice by some distributors of refusing to supply a bulk meter and/or to provide distribution services unless a building owner authorizes the distributor to exclusively provide metering services.

The second group of issues, "Customer Classification", could consider any issues surrounding how distributors intend to classify multi-unit buildings.

The third group of issues relates to "Specific Services". Under this heading, consideration could be given to the metering service offerings to customers and consumers by licensed distributors. This would include consideration of the appropriateness of a distributor alleging that it is offering "sub-metering" services other than through an affiliate.

The above issues are of importance to EECI and other competitive sub-metering companies. It is believed that by developing a coherent and consistent set of policies at this time, a good deal of customer and consumer confusion will be alleviated and consumers will benefit from the availability of competitive metering services. EECI specifically requests that the above issues be open for discussion on October 18, 2007.

EECI requests one (1) copy of any comments or submissions filed by other participants to this proceeding, and any future notices or correspondence to be forwarded to:

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**- And to -**

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Yours very truly,

AIRD & BERLIS LLP

**"Dennis O'Leary"**

Dennis M. O'Leary

DMO/ct

cc Mr. Allen Maclure, EECI

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