

ONTARIO ENERGY BOARD

IN THE MATTER OF the *Ontario Energy Board Act*, 1998, S.O. 1998, c. 15 (Sched. B)

AND IN THE MATTER OF proposed amendments to the *Affiliate Relationships Code for Electricity Distributors and Transmitters*

**SUBMISSIONS OF
ENBRIDGE ELECTRIC CONNECTIONS INC.**

1. These are the comments of Enbridge Electric Connections Inc. ("EECI") in respect of the Ontario Energy Board's (the "Board") Notice of Proposal to Amend the *Affiliate Relationships Code for Electricity Distributors and Transmitters* ("ARC"), dated September 19, 2007.

2. EECI carries on business as a smart sub-meterer providing services installing and maintaining smart sub-metering systems and undertaking the billing and collection functions for thousands of occupants of multi-unit buildings. EECI will be applying to the Board under Clause 57(i) of the *Ontario Energy Board Act, 1998* (the "Act") for a license to engage in sub-metering activities, as required by Ontario Regulation 443/07 issued under the Act. Under this Regulation, sub-metering activities are a prescribed activity. Specifically, they include:

"the commercial offering or the commercial provision of smart meters, metering equipment, systems and technology and associated equipment, systems and technologies or smart sub-metering systems, equipment and technology, and associated equipment, systems and technologies in any associated services."

3. Currently, a number of non-utility related sub-metering companies and electric local distribution companies (LDCs), or their affiliates, offer smart sub-metering systems, equipment, and technology to electricity consumers in Ontario. EECI anticipates that this industry will continue to be vibrantly competitive. It is therefore important that the proposed amendments to the ARC be drafted with a view to the continuation of this competitive industry.

4. EECI notes that Clause 1.1(e) is limited to an "energy service provider", as are the requirements of Subsections 2.2.3 and 2.5.1. It is noted that no amendments are proposed to the definition of energy service provider which, if unchanged, will continue to read as follows:

" "energy service provider" means a person, other than a utility, involved in the supply of electricity or gas or related activities, including retailing of electricity, marketing of natural gas, generation of electricity, energy management services, demand-side management programs, and appliance sales, service and rentals."

5. EECI submits that the smart meter and smart sub-metering activities described in Ontario Regulation 443/07 fall within the definition of energy service provider in the ARC. Such activities are "electricity related" and can be described as "energy management services". As well, smart metering and smart sub-metering activities do augment demand-side management programs.

6. This being said, now that such activities are prescribed by Regulation and referenced in the *Electricity Act*, at Subsection 53.17, EECI submits that it may be appropriate to amend the definition of energy service provider to specifically include the "commercial offering of smart meters or smart sub-meters and related systems, equipment, technology and services" as part of the definition. This would eliminate any uncertainty about whether the provision of smart meter and/or smart sub-metering activities fall within the definition.

7. EECI also notes that the proposed amendments to the ARC do not include a definition for "customer". Under the *Distribution System Code*, customer is defined as follows:

"customer" means a person that has contracted for or intends to contract for connection of a building or an embedded generation facility. This includes developers of residential or commercial subdivisions.

8. By comparison, the term "consumer" is defined as:

"consumer" means a person who uses, for the person's own consumption, electricity that the person did not generate."

9. Smart sub-metering companies do not use electricity for their own consumption. Smart sub-metering companies do not, therefore, meet the definition of "consumer".

10. EECI notes that the protections provided in respect of Subsection 2.6, which deals with the protection of confidential information, relates only to confidential information relating to a "consumer, retailer, or generator." The protections are not extended to "customers", which

arguably means that the confidential information of customers, like sub-metering companies, are not protected by the ARC.

11. EECI submits that any confidential information that an LDC obtains about a competitive sub-metering company should not be shared with or released to an affiliate, without consent. Confidential customer information should be treated the same as confidential consumer information. Accordingly, EECI submits that the definition of "customer" should be added to the ARC and Subsections 2.6.1 and 2.6.2 amended to include "customer" as one of the entities protected under these subsections.

EECI appreciates the opportunity to make these submissions.

Date: October 26, 2007

Signed: *"Rick Rakus"*

Rick Rakus
General Manager and Chief Operating Officer
Enbridge Electric Connections Inc.