

**Ontario Energy  
Board**  
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**Commission de l'énergie  
de l'Ontario**  
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**NOTICE OF PROCEEDING ON THE BOARD'S OWN MOTION  
UNDER SECTION 74 OF THE *ONTARIO ENERGY BOARD ACT, 1998***

**BOARD FILE NO.: EB-2010-0358**

The Ontario Energy Board (the "Board") has commenced a proceeding on its own motion under section 74 of the *Ontario Energy Board Act, 1998* (the "Act") to amend all valid Smart Sub-Metering licences to bring them into conformity with the provisions of the *Energy Consumer Protection Act, 2010* (the "ECPA"), Ontario Regulation 389/10 (made under the ECPA), and the *Ontario Clean Energy Benefit Act, 2010* (the "OCEBA"). The Board assigned file number EB-2010-0358 to this proceeding.

**Background**

The purpose of the proposed licence amendments is to implement the provisions of the ECPA, its associated regulation in relation to unit sub-metering, and the OCEBA. The ECPA, Ontario Regulation 389/10, and the OCEBA will come into force on January 1, 2011. Part III of the ECPA and Part II of Ontario Regulation 389/10 introduce new terms and create a new legislative framework for unit sub-metering.

The OCEBA provides for a deemed licence condition for all unit sub-meter providers that requires unit sub-meter providers to comply with the OCEBA and regulations made under the OCEBA. While it is not necessary to add the deemed licence condition to the licences, given that it applies as a matter of law, the Board will take this opportunity to add the OCEBA deemed condition as well as the other consequential amendments so that the unit sub-meter providers will have all of their current licence conditions in one place.

## **Proposed Licence Amendments**

Currently all smart sub-meter providers are licensed under section 57(i) of the Act. The ECPA has amended the Act to include a specific section, section 57(c.1), for the licensing of unit sub-metering. The Board will therefore change the licence to reflect this new statutory authorization.

The ECPA does not use the term "smart sub-metering", instead the term "unit sub-metering" is used. The Board will therefore amend the licence to be a "Unit Sub-Metering Licence" and will be changing all other references in the licence to reflect the ECPA terminology.

Currently the licence only references the Act and the *Electricity Act, 1998*. A reference to the ECPA and the OCEBA will be added to the licence and the licence will require compliance with the ECPA and the OCEBA. The definition of "regulation" will also include a reference to the ECPA and the OCEBA.

The licence currently has a definition for "prescribed class of property". However, under the ECPA, unit sub-metering is no longer limited to condominiums. Therefore, the Board will remove the definition of and reference to "prescribed class of property".

Attachment A to this Notice contains a comparison version of the Unit Sub-Metering Licence template that includes all of the proposed amendments.

## **The Process**

The Board intends to dispose of this proceeding without a hearing pursuant to section 21(4)(a) of the Act. If you object to a proceeding without a hearing and want to request that the Board hold a hearing in this matter, please make your request in writing to the address provided below by December 31, 2010.

Written request should be sent to:

Kirsten Walli  
Board Secretary  
Ontario Energy Board  
P.O. Box 2319  
2300 Yonge Street  
Suite 2700  
Toronto, Ontario  
M4P 1E4

Filings to the Board must be received by the Board Secretary by **4:45 p.m.** on the required date. They must quote file number **EB-2010-0358** and include your name, address, telephone number and, where available, your e-mail address and fax number.

**Need More Information?**

If you have any questions regarding the proposed licence amendments, please contact Irina Kuznetsova at [irina.kuznetsova@oeb.gov.on.ca](mailto:irina.kuznetsova@oeb.gov.on.ca) or at 416-440-8138. The Board's toll free number is 1-888-632-6273.

**DATED** at Toronto, December 16, 2010

**ONTARIO ENERGY BOARD**

*Original signed by*

Kirsten Walli  
Board Secretary

Attachment A – Comparison Version of the Unit Sub-Metering Licence Showing All Proposed Amendments

**Attachment A**  
**To**  
**Notice of Proceeding on the Board's Own Motion**  
**Under Section 74 of the *Ontario Energy Board Act, 1998***

**December 16, 2010**

**EB-2010-0358**

**Proposed Amendments to the Unit Sub-Metering Licence**

*[see separate document attached]*