



**EB-2010-0358**

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

**AND IN THE MATTER OF** a proceeding under section 74  
of the *Ontario Energy Board Act, 1998* amending all smart  
sub-metering licences.

**BEFORE:** Paul Sommerville  
Member

## **DECISION AND ORDER**

### **Background**

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.

On December 16, 2010, the Board issued a Notice of Proceeding notifying all currently licensed smart sub-metering providers and persons who filed an application for a smart sub-metering licence of the Board's intention to dispose of this proceeding without a hearing pursuant to section 21(4)(a) of the Act. None of the licensees or licence applicants requested a hearing in this matter.

## **Licence Amendments**

The ECPA, Ontario Regulation 389/10, and the OCEBA came 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.

In order to reflect the provisions of the ECPA, its associated regulation in relation to unit sub-metering, and the OCEBA, the Board is amending each smart sub-metering provider's licence. Attachment A to this Decision and Order contains an amended template for the Unit Sub-Metering Licence. The amendments were set out in an attachment to the Notice of Proceeding and include:

- (a) replacing the term "smart sub-metering" with the term "unit sub-metering" to reflect the ECPA terminology;
- (b) adding in a definition for the ECPA and the OCEBA;
- (c) adding in a requirement that the licensee is required to comply with the ECPA and the OCEBA;
- (d) including in the definition of "regulation" a reference to the ECPA and the OCEBA; and
- (e) removing the definition of and reference to "prescribed class of property".

The Board finds that it is in the public interest to amend all smart sub-metering licences as set out in the attachment to the Notice of Proceeding to reflect the provisions of the ECPA, its associated regulation in relation to unit sub-metering, and the OCEBA. Amended licences will be issued to all currently licensed smart sub-metering providers in due course.

## **THE BOARD THEREFORE ORDERS THAT:**

Each valid smart sub-metering licence is amended to reflect the provisions of the ECPA, its associated regulation in relation to unit sub-metering, and the OCEBA. The amended template for the Unit Sub-Metering Licence is attached to this Decision and Order.

**DATED** at Toronto, January 18, 2011

**ONTARIO ENERGY BOARD**

*Original signed by*

Kirsten Walli  
Board Secretary

**Attachment A**  
**Unit Sub-Metering Licence**

*[see separate document attached]*