



EB-2011-0072

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

AND IN THE MATTER OF an application pursuant to
section 74 of the *Ontario Energy Board Act, 1998* by Essex
Powerlines Corporation seeking an extension to its
mandated time-of-use pricing date.

By delegation, before: Jennifer Lea

DECISION AND ORDER

Essex Powerlines Corporation ("Essex Powerlines") filed an application dated March 8, 2011 with the Ontario Energy Board under section 74 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c.15 (Schedule B) for a licence amendment granting an extension in relation to the mandated date for the implementation of time-of-use ("TOU") pricing rates for Regulated Price Plan ("RPP") consumers.

BACKGROUND

Under cover of a letter to all Ontario electricity distributors dated August 4, 2010, the Ontario Energy Board provided its determination of mandatory dates by which each distributor must bill those of its RPP customers that have eligible TOU meters using TOU pricing. The Board's determination was made pursuant to sections 3.4 and 3.5 of the Standard Supply Service Code for Electricity Distributors, which requires TOU pricing for RPP consumers with eligible TOU meters, as of the mandatory date. Compliance with this Code is a condition of licence for nearly all licensed electricity distributors in Ontario.

THE APPLICATION

Essex Powerlines has applied for an extension to its June 2011 mandatory TOU pricing date and requested a new date of December 2011. Essex Powerlines states the reason for the extension is delays it experienced as a result of a work stoppage at Essex Powerlines.

The Board issued a Notice of Application and Written Hearing for Essex Powerlines' application on April 19, 2011, and interrogatories and submissions on the application were invited. The applicant responded to interrogatories filed by Board staff, providing more information about the delay and progress to date in implementing TOU pricing. Board staff filed a submission on the application stating it had no issues with the request for extension. The applicant did not respond to the submission.

In its application Essex Powerlines states it is currently experiencing a work stoppage that affects the implementation of TOU pricing. In its interrogatory responses, the applicant noted that due to the length of the stoppage it is unlikely that Essex Powerlines will be able to implement TOU pricing before December 31, 2011. Essex Powerlines states after completion of the work stoppage there will be a period of time required to bring staff up to date on billing status, as well as to complete staff training on TOU implementation and rates. Essex Powerlines also stated there were no other internal or external factors that will affect its ability to meet the requested TOU pricing extension date.

BOARD FINDINGS

I find the application should be granted. Essex Powerlines will be exempted from the requirement to apply TOU pricing under the Standard Supply Service Code until December 31, 2011.

Essex Powerlines has taken the responsible step of seeking an extension from the Board in advance of its mandated TOU date. The reasons given in the application for missing the original date are credible and supported by the evidence filed with the application. Essex Powerlines has made a considerable effort towards completing TOU pricing implementation, and has installed smart meters for approximately 98% of its eligible customers. The applicant has noted that the extension should give it enough

time despite the work stoppage to meet the requested date to implement TOU pricing. I find that the difficulties and delay encountered by Essex Powerlines' in relation to the work stoppage to be an extraordinary and unanticipated circumstance sufficient to justify an extension to Essex Powerlines' mandated TOU pricing date.

IT IS THEREFORE ORDERED THAT:

1. Essex Powerlines Corporation's distribution licence ED-2002-0499, specifically Schedule 3 List of Code Exemptions, is amended to include an exemption from the requirement to apply time-of-use pricing by a mandatory date under the Standard Supply Service Code for Electricity Distributors. This exemption will expire on December 31, 2011.

DATED at Toronto, June 14, 2011

ONTARIO ENERGY BOARD

Original signed by

Jennifer Lea
Counsel, Special Projects