



**EB-2011-0105**

**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 Greater Sudbury Hydro Inc. seeking an extension to its mandated time-of-use pricing date.

**By delegation, before:** Jennifer Lea

## **DECISION AND ORDER**

Greater Sudbury Hydro Inc. (“Greater Sudbury Hydro”) filed an application dated April 12, 2011 with the Ontario Energy Board for a licence amendment under section 74 of the *Ontario Energy Board Act, 1998* requesting an extension in relation to the mandated date for the implementation of time-of-use (“TOU”) pricing rates for Regulated Price Plan (“RPP”) consumers. This decision deals with that request for an extension.

### **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

Greater Sudbury Hydro applied for an extension to its mandated TOU date of June 2011 and requested a new TOU date of December 2011. Greater Sudbury Hydro stated the extension to its mandated TOU date was necessary as a result of delays it experienced implementing a new advanced metering infrastructure (“AMI”) and new customer information billing system (“CIS”).

The Board issued a Notice of Application and Written Hearing for Greater Sudbury Hydro’s application on May 4, 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.

In its application for an extension to its TOU date, Greater Sudbury Hydro stated that the implementation of a new AMI and CIS system has been delayed due to significant technical challenges. Greater Sudbury Hydro also stated that while working to stabilize the new billing system it had to make significant changes to the system to accommodate the Board’s decision in relation to Customer Service, Rate Classification and Non-Payment Risk (EB-2007-0722). In response to interrogatories, Greater Sudbury Hydro provided further details of the technical difficulties it experienced in relation to the implementation of TOU pricing. The utility emphasized that the AMI Network Operator continues to work to optimize the performance of the AMI Network, and that the stabilization of this network is critical to ensuring that Greater Sudbury Hydro has billing-ready data.

Board staff filed a submission on the application stating it had no issues with the request for an extension to Greater Sudbury’s TOU date. However staff submitted that Greater Sudbury Hydro be required to include, in its monthly TOU implementation report, updates regarding the nature of the communication issues it faces and the areas of its service territory experiencing AMI network performance issues. The applicant did not respond to the submission.

**BOARD FINDINGS**

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

Greater Sudbury Hydro 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 TOU date are credible and supported by the evidence filed with the application. Greater Sudbury Hydro has made a considerable effort towards completing TOU pricing implementation, and has installed smart meters for approximately 97% of its eligible customers. I find that the difficulties and delay encountered by Greater Sudbury Hydro in relation to the AMI network and CIS to be extraordinary and unanticipated circumstances sufficient to justify an extension to Greater Sudbury Hydro's mandated TOU pricing date.

In response to Board staff's request that Greater Sudbury Hydro be required to include additional information in its monthly TOU implementation report I find that such information would be useful to the Board in monitoring the utility's progress towards full TOU implementation. I therefore find that Greater Sudbury Hydro must include, in its monthly TOU implementation report, a description of any technical issues that continue to impede the progress of TOU implementation, and the anticipated date for resolution of these problems.

The findings in this decision should in no way be construed as determinative of any future cost recovery applications that the applicant may make.

**IT IS THEREFORE ORDERED THAT:**

1. Greater Sudbury Hydro Inc.'s distribution licence ED-2002-0559, 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.

2. Greater Sudbury Hydro Inc. must include in its monthly TOU implementation report, a description of any technical issues that continue to impede the progress of TOU implementation, and the anticipated date for resolution of these problems.

**DATED** at Toronto, August 4, 2011

**ONTARIO ENERGY BOARD**

*Original signed by*

Jennifer Lea  
Counsel, Special Projects