



**EB-2011-0241**

**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 West  
Coast Huron Energy Inc. seeking an extension to its  
mandated time-of-use pricing date.

**By delegation, before:** Jennifer Lea

## **DECISION AND ORDER**

West Coast Huron Energy Inc. ("West Coast Huron") filed an application dated June 16, 2011 with the Ontario Energy Board under section 74 of the *Ontario Energy Board Act, 1998* 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. The Board assigned file number EB-2011-0241 to the application.

## **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 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

West Coast Huron applied for an extension to its August 2011 TOU pricing date and requested a new date of January 2012. West Coast Huron stated the extension was necessary due to delays experienced converting its customer information system and training staff on the new processes and billing system, as well as awaiting a solution to a Measurement Canada issue.

The Notice of Application and Written Hearing was issued on July 7, 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. No other parties participated in this proceeding.

Following the interrogatory responses, Board staff filed a submission that stated Board staff was of the view that West Coast Huron had not provided sufficient evidence to support its requested extension. Staff submitted that West Coast Huron had not demonstrated why it was operationally or technically unable to complete TOU implementation by its mandatory date of August 2011. However, Board staff stated it recognized given the August 9<sup>th</sup> date of the submission that West Coast Huron would not be able to commence TOU pricing by August 2011.

On August 11, 2011, West Coast Huron filed a letter with the Board requesting additional time to file its reply submission. On August 17, 2011 the Board issued Procedural Order #1 granting this request.

On August 21, 2011 West Coast Huron's service area, the town of Goderich, was struck by a tornado which damaged the town of Goderich and destroyed West Coast Huron's operations centre. On September 8, 2011 West Coast Huron filed a letter with the Board addressing the effect the tornado would have on its applications before the Board. On September 29, 2011 West Coast Huron filed a response to Board staff's August 9<sup>th</sup> submission updating the Board on the delays experienced and progress in implementing TOU pricing. West Coast Huron outlined continuing delays experienced as a result of the tornado and reiterated its request for a January 2012 TOU pricing date.

**BOARD FINDINGS**

I find the request should be granted. The severe damage caused by the tornado, and the necessary diversion of resources to the repair of critical infrastructure are clearly extraordinary and unanticipated circumstances sufficient to justify an extension to West Coast Huron's mandated TOU pricing date. The proposed delay to January 2012 is not excessive in the circumstances.

West Coast Huron will be exempted from the requirement to apply TOU pricing under the Standard Supply Service Code until January 31, 2012.

It is expected the applicant will continue to provide timely information regarding the progress of implementation of TOU pricing.

**IT IS THEREFORE ORDERED THAT:**

1. West Coast Huron Energy Inc.'s distribution licence ED-2002-0510, 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 January 31, 2012.

**DATED** at Toronto, October 18, 2011

**ONTARIO ENERGY BOARD**

*Original Signed By*

Jennifer Lea  
Counsel, Special Projects