



EB-2011-0358
EB-2011-0359

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 PUC
Distribution Inc. and Espanola Regional Hydro Distribution
Corporation, seeking extensions to their mandated time-of-
use pricing dates.

By delegation, before: Jennifer Lea

DECISION AND ORDER

PUC Distribution Inc. ("PUC") and Espanola Regional Hydro Distribution Corporation ("Espanola") filed separate applications dated October 5, 2011 with the Ontario Energy Board under section 74 of the *Ontario Energy Board Act, 1998* (the "Act") for licence amendments granting extensions in relation to the mandated date for the implementation of time-of-use ("TOU") pricing rates for certain Regulated Price Plan ("RPP") consumers. PUC's application was assigned file number EB-2011-0358, and Espanola's application was assigned file number EB-2011-0359. Due to the similar nature of the applications the Board has combined the applications into one proceeding pursuant to section 21(5) of the Act. This decision provides findings for both applications.

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 APPLICATIONS

PUC and Espanola applied for an extension to their October 2011 TOU pricing dates and each requested a new date of March 2012 for a subset of their General Service under 50kW customers. PUC has approximately 1,181 affected customers and Espanola has approximately 99 affected customers. The applicants stated the extension is necessary due to delays experienced as a result of an issue with certain three phase meters for these customers.

The Board issued a Notice of Application for both applications on October 18, 2011 and interrogatories and submissions on the application were invited. Board staff filed a submission on the application stating it had no issues with the request for extension. The applicants did not reply to the submission. No other parties filed interrogatories or submissions on the applications.

In their applications, PUC and Espanola stated that they were notified by their meter provider that it had investigated and confirmed that interval data delivered from certain three phase meters was suspect due to the improper time-alignment of the consumption intervals. The applicants provided a letter from the smart meter provider confirming the problem. As of the application date, the applicants stated the problem was still not resolved and no firm date and schedule for complete resolution had been provided by the meter provider. The applicants stated they could not be definitive as to when the delivery of the firmware upgrade to resolve the meter issue would be received. However, both applicants proposed an extension until March 31, 2012.

BOARD FINDINGS

I find the applications should be granted as requested. The applicants' three phase meter issues represent operational and technical barriers to implementing TOU pricing. I find that the difficulties and delays encountered to be extraordinary and unanticipated circumstances sufficient to justify an extension to the applicants' mandated TOU pricing

dates. The applicants will therefore be exempted from the requirement to apply TOU pricing under the Standard Supply Service Code until March 31, 2012 for their General Service under 50 kW customers with meters with improper time-alignment of the consumption intervals.

I expect the applicants to work diligently to implement TOU pricing for their affected customers, and provide the Board with timely information regarding the implementation of TOU pricing.

IT IS THEREFORE ORDERED THAT:

1. PUC Distribution Inc.'s distribution licence ED-2002-0546, 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 for General Service under 50 kW customers with meters with improper time-alignment of the consumption intervals. This exemption will expire on March 31, 2012.
2. Espanola Regional Hydro Distribution Corporation's distribution licence ED-2002-0502, 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 for General Service under 50 kW customers with meters with improper time-alignment of the consumption intervals. This exemption will expire on March 31, 2012.

DATED at Toronto, December 8, 2011

ONTARIO ENERGY BOARD

Original signed by

Jennifer Lea
Counsel, Special Projects