

July 6<sup>th</sup>, 2012

Kirsten Walli  
Board Secretary  
Ontario Energy Board  
P.O. Box 2319  
2300 Yonge Street, 27th Floor,  
Toronto, ON M4P 1E4

***Via RESS, Electronic Mail and Courier***

Dear Ms. Walli:

**Re: EB-2011-0211/EB-2012-0100 Preliminary Issue**

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Just Energy Ontario L.P. ("Just Energy") respectfully submits the following position regarding the Preliminary Issue in EB-2011-0211/EB-2012-0100 as outlined in Procedural Order No.1 on June 22<sup>nd</sup>, 2012. Should you have any questions or comments in response this submission please do not hesitate to contact Nola Ruzyski, Vice President Regulatory Affairs Canada, or Brandon Ott, Manager Regulatory Affairs Canada.

Yours truly,

A handwritten signature in black ink, appearing to read "N. Ruzyski".

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A handwritten signature in black ink, appearing to read "B. Ott".

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Intervenors, **via email only**

**Just Energy Submission:**  
**RE: EB-2011-0211/EB-2012-0100 Preliminary Issue**

Just Energy respectfully submits that the scope of the Board's approval of an agreement between the Smart Metering Entity ("SME") and Distributors should specifically include the format in which information will be exchanged in order for these two entities to conduct their roles and responsibilities under the agreement. Furthermore, it is our belief that the Board's consideration of the format of this information should include a consideration of responsibilities of the above noted parties that are not addressed within the Smart Metering Agreement itself.

Just Energy is of the belief that existing responsibilities are an appropriate inclusion within the Board's consideration on this matter based on the following. In the second paragraph of IV(c) Roles, Responsibilities, Metering and Information Exchange of Board Staff's submission on the Preliminary Issue it is identified that;

*"...the SME is responsible for managing the development of the MDM/R to collect, manage, store and retrieve information related to the metering of customers' use of electricity in Ontario to support Time-of-Use ("TOU") rate implementation."*

While not explicitly stated, it is strongly implied during this discussion that the above mandate is dictated by the Electricity Act, 1998 and O. Reg 393/07. A review of both the legislation and regulation noted demonstrates that TOU rates are not specifically mentioned as an Object of or within nature of the business of the SME. Rather, TOU rates should be considered but one part of the Smart Metering Initiative ("SMI") which in contrast is explicitly mentioned in both the legislation and the regulation.

The distinction between the data required to bill only the specific TOU rates of the present day and interval data generally is essential when considering the responsibilities of Distributors in relation to the data exchanged as part of the SMI. Section 11.1.1 of the Retail Settlement Code ("RSC") requires that a Distributor shall make the following information available to a consumer, or a retailer that provides electricity to that consumer as per Section 11.1.2;

*"(j) valid usage (kWh/h) for each hour during the billing period for interval-metered consumers..."*

Information which by nature of its format allows only for the billing of existing TOU rates will leave Distributors unable to fulfill the above Codified responsibility. The above is one instance in which the information required to be exchanged has pre-established requirements placed upon it outside of the Smart Metering Agreement. In order to discuss and make determinations regarding the information required to be exchanged between the SME and Distributors under the Smart Metering Agreement, Just Energy submits that the Board must consider all uses for which that information has already been mandated. As such, Just Energy respectfully submits that electricity retailers should be permitted to participate in any consultations or proceedings which aim to determine the nature, format, communication or other characteristics of the information to be exchanged as a result of the Smart Metering Agreement.