



July 6, 2012

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

Re: Smart Metering Charge Application (EB-2012-0100 & EB-2012-0211)
AMPCO Submissions on the Preliminary Issue

Dear Ms. Walli:

In accordance with the Board's Procedural Order No. 1 regarding the above application dated June 22, 2012, below please find AMPCO's submissions on the preliminary issue.

In Procedural Order No. 1, the Board determined that it will consider the scope of its approval of the filed Agreement in advance of hearing other matters in this case. Specifically, the Board would like submissions on the following issue:

"Given section 5.4.1 of the DSC and section 3.2 of ES-2007-0750, what is the scope of the Board's approval of an agreement between the SME and Distributors?"

Section 5.4.1 of the DSC and Section 3.2 of the SME Licence are shown below:

DSC- section 5.4.1

A distributor shall, upon being requested to do so, enter into an agreement with the Smart Metering Entity or the IESO, in a form approved by the Board, which sets out the respective roles and responsibilities of the distributor and the Smart Metering Entity or the IESO in relation to metering and the information required to be exchanged to allow for the conduct of these respective roles and responsibilities.

SME Licence – section 3.2

The Licensee is authorized to require licensed Distributors to enter into an agreement with the Licensee. The agreement shall set out the respective roles and responsibilities of the distributor and the Licensee in relation to metering and the information required to be exchanged to allow for the conduct of these respective roles and responsibilities. The agreement must be approved by the Board before the Licensee can require licensed Distributors to sign the agreement

AMPCO has reviewed the submissions of Board Staff, VECC, Hydro One and CME. In general, like the other intervenors mentioned, AMPCO agrees with the submissions of Board Staff. In particular, AMPCO believes that the role of the Board as regulator, in this situation is particularly important because, as Board Staff suggests, “consumers are likely to be paying the costs associated with the fulfillment of the obligations of the parties outlined in the form of agreement.”

AMPCO also agrees with CME and VECC that the Board should be reviewing “roles and responsibilities” and “information exchange” when determining the appropriateness of provisions of a proposed agreement, and to do that, the Board must examine the whole of the agreement.

CME feels, therefore, that there is a need to segment the agreement and create approved and unapproved portions. AMPCO believes that this is unnecessary and cumbersome. The elements of the proposed agreement to be reviewed and approved by the Board can be indicated in a preamble, if necessary at all.

Board Staff indicates that they believe that, “the Board’s scope of approval includes the ability to revise the terms... of agreement.” AMPCO does not agree with this position. The elements of the agreement should be left to the parties to develop. If they relate to roles and responsibilities and the way in which information is exchanged between the parties, they must ultimately pass the Board’s litmus test; but, the Board, as regulator, should not also draft provisions of that agreement.

Sincerely yours,

(ORIGINAL SIGNED)

Adam White
President
Association of Major Power Consumers in Ontario