



EB-2012-0100
EB-2012-0211

IN THE MATTER OF subsections 78(2.1), (3.0.1), (3.0.2) and (3.0.3) of the *Ontario Energy Board Act, 1998*;

AND IN THE MATTER OF subsection 53.8(8) of the *Electricity Act, 1998*;

AND IN THE MATTER OF Ontario Regulation 453/06 made under the *Ontario Energy Board Act, 1998*;

AND IN THE MATTER OF an Application by the Independent Electricity System Operator as Smart Metering Entity for an Order fixing a Smart Metering Charge for July 1, 2012 to December 31, 2017;

AND IN THE MATTER OF a proceeding on the Ontario Energy Board's own motion to review the options for and ultimately determine the appropriate allocation and recovery of the Smart Metering Charge pursuant to section 19 of the *Ontario Energy Board Act, 1998*.

BEFORE: Paula Conboy
Presiding Member

Cathy Spoel
Member

DECISION ON AGREEMENT
February 13, 2013

In the Decision on Agreement, Terms of Service, Confidentiality and Procedural Order No. 7 that was issued on January 17, 2013 ("Decision and Procedural Order No. 7"), the

Board ordered the Smart Metering Entity (“SME”) and the Electricity Distributors Association to file a new proposed Agreement reflecting the Board’s findings, and provided Board staff and interested parties with the opportunity to comment. The revised agreement was filed on January 31, 2013.

Submissions on the Revised Agreement

The Board received submissions on two aspects of the new proposed Agreement from Board staff and a submission from the School Energy Coalition indicating that is supported the submissions of Board staff.

Service Level Credits

Board staff argued that the SME’s proposed revision to section 7.6.3 which includes a process for disbursement of service level credits, does not reflect the Board’s findings in the Decision and Procedural Order No. 7 wherein the Board indicated that the subject of the appropriate treatment of service level credits should be incorporated in the proposed Smart Metering Charge in the settlement deliberations.

Steering Committee Mandate

In the proposed new Agreement, the SME included the revised mandate of the Steering Committee in Article 3 (Terms of Service). Board staff submitted that, a strict reading of the Board’s Decision and Procedural Order No. 7 suggests that the Board intended for the mandate of the Steering Committee to be included in Article 2 (Roles and Responsibilities).

Board Finding

The Board accepts the new proposed Agreement filed by the SME with the exception of section 7.6.3 relating to the disbursement of current and future service credits. The Board accepts the inclusion of the mandate of the Steering Committee in Article 3 as it accomplishes the purpose of the Board’s decision to include it in the Agreement rather than in the Terms of Service.

The Board indicated in its Decision and Procedural Order No. 7 that the question of the appropriate disbursement process as well as the appropriate treatment of the \$1.7 million in service credits to date would be incorporated into the settlement discussions which are scheduled to begin on February 19, 2013. The SME has indicated its position on the matter of the disbursement of the service credits by way of the new proposed Agreement and the Board expects that parties participating in the settlement conference that are interested in this issue will come prepared to discuss it.

The remaining outstanding issue of the treatment of service credits will therefore be finalized by the Board in accordance with any settlement proposal that may be filed subsequent to the settlement conference and approved by the Board or by way of a decision of the Board following a hearing on the matter.

Issued at Toronto, February 13, 2013.

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary