



EB-2013-0299

IN THE MATTER OF the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, Schedule B;

AND IN THE MATTER OF an application by CARMA Industries Inc. for a Unit Sub-Metering Licence.

By delegation, before: David Richmond

DECISION AND ORDER
November 7, 2013

CARMA Industries Inc. ("CARMA") filed an application on August 15, 2013 with the Ontario Energy Board under section 60 of the *Ontario Energy Board Act, 1998* for a unit sub-metering licence renewal. CARMA currently holds a licence from the Ontario Energy Board to engage in unit sub-metering (Licence # ES-2007-00965). The Board assigned file number EB-2013-0299 to the application.

The Board's Notice of Application and Written Hearing (the "Notice") was published on September 5, 2013. The Notice advised that the Board intended to proceed with this matter by way of a written hearing and that anyone wishing to participate must file a written submission with the Board and copy it to the applicant by September 26, 2013. The Notice also provided that if the applicant wished to respond to the submissions, such response must be filed with the Board and copied to any party that made submissions by October 3, 2013.

The Board did not receive any submissions within the timelines prescribed by the Notice. One member of the public, Mr. Gerhard Langematz, did however send an email to the Board on October 3, 2013, in regard to the application. Mr Langematz sent a further email on October 11, 2013. While Mr. Langematz' submissions were not filed

within timelines outlined in the Notice, I have considered them in making my findings below. Naturally, I have also considered the applicant's response, filed on October 24, 2013, to Mr. Langematz' late-filed submissions.

In his submissions, Mr. Langematz generally alleged that CARMA has not acted in accordance with the *Energy Consumer Protection Act, 2010*, namely, that CARMA has unlawfully imposed service contracts on condo owners without obtaining their proper authorization or individual consent. Mr. Langematz requested that the Board investigate CARMA's actions. In its response, CARMA generally denied Mr. Langematz' allegations and stated that issues brought forward by Mr. Langematz had already been addressed and resolved between the applicant and the Board in 2011 and 2012. Moreover, CARMA submitted the concerns of Mr. Langematz are not relevant to the licence renewal application currently before the Board.

I have considered the record of this proceeding, including the late-filed submissions of the parties, and I find that it is in the public interest to renew CARMA's unit sub-metering licence, under Party V of the Act. The record indicates that CARMA has the financial resources and the technical capability to continue engaging in unit sub-metering activities. As well, regarding the conduct of the applicant, I find that it has demonstrated that it is likely to operate its business in conformity with relevant legislation and regulatory requirements.

IT IS THEREFORE ORDERED THAT:

The application for a unit sub-metering licence is granted, on such conditions as are contained in the attached licence.

DATED at Toronto, November 7, 2013

ONTARIO ENERGY BOARD

Original Signed By

David Richmond
Manager, Electricity Facilities and
Infrastructure Applications



Unit Sub-Metering Licence

ES-2013-0299

CARMA Industries Inc.

Valid Until

November 6, 2018

Original Signed By

David Richmond
Manager, Electricity Facilities and
Infrastructure Applications
Ontario Energy Board
Date of Issuance: November 7, 2013

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1 Definitions

In this Licence:

"**Act**" means the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, Schedule B;

"**Board**" means the Ontario Energy Board;

"**Code**" means the Unit Sub-Metering Code issued by the Board;

"**consumer**" means a person who uses, for the person's own consumption, electricity that the person did not generate;

"**distributor**" means a person who owns or operates a distribution system;

"**Electricity Act**" means the *Electricity Act, 1998*, S.O. 1998, c. 15, Schedule A;

"**ECPA**" means *Energy Consumer Protection Act, 2010*, S.O. 2010, c. 8;

"**Licensee**" means Carma Industries Inc.;

"**Market Rules**" means the rules made under section 32 of the Electricity Act;

"**OCEBA**" means the *Ontario Clean Energy Benefit Act, 2010*, S.O. 2010, c. 26, Schedule 13;

"**Regulation**" means regulations made under the Act, the Electricity Act, the ECPA, or the OCEBA; and

"**retailer**" means a person who retails electricity.

2 Interpretation

- 2.1 In this Licence, words and phrases shall have the meaning ascribed to them in the Act, the Electricity Act, or the ECPA. Words or phrases importing the singular shall include the plural and vice versa. Headings are for convenience only and shall not affect the interpretation of the Licence. Any reference to a document or a provision of a document includes an amendment or supplement to, or a replacement of, that document or that provision of that document. In the computation of time under this Licence, where there is a reference to a number of days between two events, they shall be counted by excluding the day on which the first event happens and including the day on which the second event happens and where the time for doing an act expires on a holiday, the act may be done on the next day that is not a holiday.

3 Authorization

- 3.1 The Licensee is authorized, under Part V of the Act and subject to the terms and conditions set out in this Licence, to engage in unit sub-metering.
- 3.2 The Licensee is authorized to conduct business in the name under which this Licence is issued, or any trade name(s) listed in Schedule 1.

4 Obligation to Comply with Legislation, Regulations and Market Rules

- 4.1 The Licensee shall comply with all applicable provisions of the Act, the Electricity Act, the ECPA, the OCEBA, and the Regulations.
- 4.2 The Licensee shall comply with all applicable Market Rules.

5 Obligation to Comply with Codes

- 5.1 The Licensee shall at all times comply with the Code issued by the Board.
- 5.2 The Licensee shall:
 - a) make a copy of the Code available for inspection by members of the public at its head office and regional offices during normal business hours; and
 - b) provide a copy of the Code to any person who requests it.
- 5.3 The Licensee may impose a fair and reasonable charge for the cost of providing the copies referred to in section 5.2(b).

6 Provision of Information to the Board

- 6.1 The Licensee shall maintain and provide, in the manner and form determined by the Board, such information as the Board may require from time to time.
- 6.2 Without limiting the generality of paragraph 6.1, the Licensee shall notify the Board of any material change in circumstances that adversely affects or is likely to adversely affect the business, operations or assets of the Licensee as soon as practicable, but in any event no more than twenty (20) days past the date upon which such change occurs.

7 Restrictions on Provision of Information

- 7.1 The Licensee shall not use information regarding a consumer, retailer or distributor obtained for one purpose for any other purpose without the written consent of the consumer, retailer or distributor.
- 7.2 The Licensee shall not disclose information regarding a consumer, retailer or distributor to any other party without the written consent of the consumer, retailer or distributor, except where such information is required to be disclosed:
 - a) to comply with any legislative or regulatory requirements, including the conditions of this Licence;
 - b) for billing or settlement purposes;
 - c) for law enforcement purposes; or
 - d) to a debt collection agency for the processing of past due accounts of the consumer, retailer or distributor.

- 7.3 The Licensee may disclose information regarding consumers, retailers or distributors where the information has been sufficiently aggregated such that their particular information cannot reasonably be identified.
- 7.4 The Licensee shall inform consumers, retailers and distributors of the conditions under which their information may be released to a third party without their consent.
- 7.5 If the Licensee discloses information under this section, the Licensee shall ensure that the information provided will not be used for any other purpose except the purpose for which it was disclosed.

8 Term of Licence

- 8.1 This Licence shall take effect on November 7, 2013 and expire on November 6, 2018. The term of this Licence may be extended by the Board.

9 Fees and Assessments

- 9.1 The Licensee shall pay all fees charged to it by the Board and all amounts assessed to it by the Board.

10 Communication

- 10.1 The Licensee shall designate a person that will act as a primary contact with the Board on matters related to this Licence. The Licensee shall notify the Board promptly should the contact details change.
- 10.2 All official communication relating to this Licence shall be in writing.
- 10.3 All written communication is to be regarded as having been given by the sender and received by the addressee:
- a) when delivered in person to the addressee by hand, by registered mail or by courier;
 - b) ten (10) business days after the date of posting if the communication is sent by regular mail; and
 - c) when received by facsimile transmission by the addressee, according to the sender's transmission report.

11 Copies of the Licence

- 11.1 The Licensee shall:
- a) make a copy of this Licence available for inspection by members of the public at its head office and regional offices during normal business hours; and
 - b) provide a copy of this Licence to any person who requests it.
- 11.2 The Licensee may impose a fair and reasonable charge for the cost of providing the copies referred to in section 11.1(b).

SCHEDULE 1 AUTHORIZED TRADE NAMES

1. CARMA Billing Services Inc.
2. CARMA Meter Services Inc.