



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