



EB-2014-0214

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 Wyse Meter Solutions Inc. for a unit sub-metering licence.

By delegation, before: Viive Sawler

DECISION AND ORDER
September 25, 2014

Background

On July 4, 2014 Wyse Meter Solutions Inc. (“Wyse Meter”) filed a complete application with the Ontario Energy Board under section 60 of the *Ontario Energy Board Act, 1998* (the “Act”) for a unit sub-metering licence.

The Board’s Notice of Application and Written Hearing for the unit sub-metering licence was posted on July 18, 2014. On August 8, 2014 Toronto Hydro Electric System Limited (“THESL”) responded to the Notice of Application and Written Hearing and requested intervenor status in the proceeding. On August 13, 2014 the Board issued Procedural Order #1 which stated that intervenor status was not available for this proceeding. The Board extended the deadline for written submissions so that THESL could file a submission that set out its views on the merits of the application.

On August 20, 2014 THESL filed a written submission. On August 27, 2014, Wyse Meter responded to THESL’s written submission.

Submissions

THESL submitted that the applicant intends to use its unit sub-metering licence to effect

the removal of THESL's meters from various buildings that already have individually metered units and terminate THESL's contractual relationship with these customers. THESL requested to examine the applicant's business plan as they relate to THESL's service area.

THESL also requested direction from the Board regarding whether and under what circumstances, once a licensed distributor has extended its distribution system through the metering of a building to individual units as a result of its duty to connect, any entity can compel the licensed distributor to remove the related assets, terminate contractual relationships with the affected ratepayers and cease to provide service for them. THESL also submitted that the Board should impose appropriate conditions to the applicant's unit sub-metering licence to protect the interests of consumers and the financial viability of the utility.

Wyse Meter responded to THESL's submission and stated that the subject licence application is not the proper means for determination of the issues sought to be raised by THESL and THESL has provided no evidence or submission relevant to the matters properly before the Board. The applicant further submitted that THESL is using this application process as a platform to advance its own commercial interests and improperly expand the scope and implications of a standard licence application. Wyse Meter also stated that by using this application as a forum to attempt to limit Board authorized competition in the sub-metering business, THESL improperly seeks to turn this application into a broad policy hearing designed to seek reconsideration of, or collaterally attack, the Board's prior determinations regarding the proper scope of licensed sub-metering activities.

Findings

After considering the application and evidence, I find it to be in the public interest to issue the unit sub-metering licence under Part V of the Act.

In the exercise of its licensing operation the Board reviews an applicant based on their financial viability, technical capability and conduct. I find that there is no evidence brought forth by THESL that specifically relates to these three criteria that should impact the licensing of the applicant. I find that the issues brought forth by THESL are out of scope to this proceeding.

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, September 25, 2014

ONTARIO ENERGY BOARD

Original Signed By

Viive Sawler
Manager, Licensing and Performance Reporting