



EB-2007-0926

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 David
Ferracuti Investments Limited o/a Dynergy Energy
Management Solutions for a smart sub-metering
licence.

By delegation, before: Jennifer Lea

DECISION AND ORDER

David Ferracuti Investments Limited o/a Dynergy Energy Management Solutions filed an application dated November 29, 2007 with the Ontario Energy Board under section 60 of the *Ontario Energy Board Act, 1998* (the "Act") for a smart sub-metering licence.

The Board's Notice of Application and Written Hearing for a smart sub-metering licence was published on December 20, 2007.

The Coalition of Large Distributors ("CLD") responded to the Notice of Application and Written Hearing on January 7, 2008. The CLD expressed concern about regulation and monitoring of third party sub-metering companies. However, many of the CLD's comments were directed at smart sub-metering regulation in general and not towards the actual application described in the Notice of Application and Written Hearing. Furthermore, many of the comments were dealt with by the Board in the notice and comment process for the Smart Sub-Metering Code and by posting a sample smart sub-metering licence on the Board's website.

The Smart Sub-Metering Working Group ("SSMWG") responded to the CLD's comments on January 17, 2008. The applicant is not a member of the SSMWG. The

SSMWG noted that a number of the issues identified by the CLD were discussed in documents posted by the Board on January 8, 2008 (namely the Notice of Proposal to Amend a Code and Issue a New Code). The SSMWG also made comments regarding some of the issues raised by the CLD.

The issues and comments of the CLD and SSMWG are not material in the determination of the licence application.

The applicant is engaged in smart sub-metering activities, as prescribed by Ontario Regulation 443/07—*Licensing Sub-Metering Activities* (made under the Act). This regulation came into force on December 31, 2007.

Pending the final disposition of the matter, the Board issued two interim orders on December 28, 2007 and April 25, 2008 under sections 21(7) and 6(4) of the Act granting a short-term smart sub-metering licence to the applicant. .

After considering the application, it has been found to be in the public interest to issue a smart sub-metering licence to the applicant under Part V of the Act.

IT IS THEREFORE ORDERED THAT:

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

DATED at Toronto, August 22, 2008.

ONTARIO ENERGY BOARD

Original signed by

Jennifer Lea
Counsel, Special Projects