



Ontario  
Energy  
Board

Commission  
de l'énergie  
de l'Ontario

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## **DECISION AND ORDER**

**EB-2023-0100**

### **ALGOMA POWER INC.**

**Amendment to Electricity Distribution Licence ED-2009-0072 (Temporary  
Exemption from Certain Provisions of Standard Supply Service Code)**

**BY DELEGATION, BEFORE: Brian Hewson**  
Vice President,  
Consumer Protection & Industry Performance

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**April 20, 2023**

## INTRODUCTION AND SUMMARY

The Ontario Energy Board (OEB) has commenced a proceeding, on its own motion, pursuant to section 19(4) of the *Ontario Energy Board Act, 1998* (OEB Act), to amend the distribution licence of Algoma Power Inc. (Algoma) (ED-2009-0072). The licence amendment would expand an existing exemption with respect to the provisions of the Standard Supply Service Code (SSSC) requiring customers on the Regulated Price Plan (RPP) to be charged for electricity on the basis of time-of-use (TOU) prices to reflect the recent amendments to the SSSC to implement the new optional ultra-low overnight time-of-use (ULO) price plan.

This Decision and Order is being issued by delegated authority without a hearing pursuant to section 6(4) of the OEB Act. Algoma was provided with an opportunity to comment on the proposed amendments.

## BACKGROUND

Algoma Power Inc. is a licensed distributor. Under its distribution licence, Algoma is exempt from the provisions of the SSSC requiring customers on the RPP to be charged for electricity on the basis of TOU prices, but only in respect of the small number of “hard to reach” customers who have smart meters but are outside the reach of Algoma’s smart meter telecommunications infrastructure, and only until December 31, 2024. The OEB has acknowledged that, for these customers, “it is not yet feasible to economically implement TOU billing.”<sup>1</sup> Until December 31, 2024, hard to reach customers that cannot be charged TOU prices are charged tiered prices instead.

On October 13, 2020, amendments to the SSSC came into force which enabled RPP consumers to opt out of TOU prices and to elect instead to be charged on the basis of tiered pricing. On the same day, changes to the wording of the exemption in Algoma’s licence came into force, to align with the SSSC amendments.<sup>2</sup>

On January 1, 2023, further amendments to the SSSC came into force to implement a new optional ULO price plan for electricity consumers on the RPP. Electricity distributors must offer the ULO price plan to their customers no later than November 1, 2023.<sup>3</sup> Like standard TOU, ULO pricing relies on smart meters that are connected to

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<sup>1</sup> EB-2019-0163, Decision and Order, November 14, 2019.

<sup>2</sup> EB-2020-0241, Decision and Order, October 2, 2020.

<sup>3</sup> Electricity distributors who are able to make ULO price plan available earlier may do so as of May 1, 2023.

telecommunications infrastructure. Minor changes to the wording of the exemption in Algoma's licence are required to align with the ULO amendments.

The changes to Algoma's licence are administrative in nature – they do not change the substance of the exemption. Algoma may continue to bill the approximately 200 hard to reach RPP consumers on the basis of tiered prices until December 31, 2024. If a previously hard to reach customer comes within the effective coverage area of Algoma's smart meter telecommunications infrastructure before December 31, 2024, Algoma must provide the customer the opportunity to choose between standard TOU, ULO or tiered prices, and if the customer does not make a choice, the default is standard TOU.

## **DECISION**

The OEB finds it to be in the public interest to amend Algoma's distribution licence by replacing Item 1 of Schedule 3 (List of Code Exemptions) with the following:

The Licensee is exempt from the provisions of the Standard Supply Service Code requiring standard time-of-use pricing or, if the consumer so elects, ultra-low overnight time-of-use pricing, for Regulated Price Plan consumers with eligible time-of-use meters (namely, sections 3.2.6, 3.4, 3.4A, 3.4B and 3.5). This exemption applies only for service to the approximately 200 "hard to reach" customers who, as of March 2023 were outside the effective coverage area of the Licensee's smart meter telecommunications infrastructure. This exemption expires on December 31, 2024. If, during the exemption period, a previously hard to reach customer comes within the effective coverage area of the Licensee's smart meter telecommunications infrastructure, the Licensee must as soon as practicable provide the customer with the option of electing standard time-of-use, ultra-low overnight time-of-use or tiered prices and begin charging the customer based on the customer's election or, if no election is made, based on standard time-of-use prices.

## **IT IS ORDERED THAT:**

1. Algoma Power Inc.'s electricity distribution licence ED-2009-0072 is amended, effective April 20, 2023.

The amended licence is attached to this Decision and Order.

**DATED** at Toronto April 20, 2023

**ONTARIO ENERGY BOARD**

Brian Hewson  
Vice President, Consumer Protection & Industry Performance