



EB-2007-0943

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 Triacta
Power Technologies, Inc. for a smart sub-metering
licence.

By delegation, before: Jennifer Lea

DECISION AND ORDER

Triacta Power Technologies, Inc. filed an application dated December 11, 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 the smart sub-metering licence under Part V of the Act. The standard term for a sub-metering licence is five years. However, I am issuing this smart sub-metering licence for a period of one year. There were certain aspects of this application that gave me cause for concern. I expect that the applicant will use the next year to demonstrate that it is a reliable participant in the electricity market. I also expect that the applicant will develop an improved business and financial plan over the next year and file that plan with its next application for a smart sub-metering licence.

IT IS THEREFORE ORDERED THAT:

1. The application for a smart sub-metering licence is granted, on such conditions as are contained in the attached licence.
2. The applicant shall file a business and financial plan with the Board as part of its next smart sub-metering licence application.

DATED at Toronto, August 22, 2008.

ONTARIO ENERGY BOARD

Original signed by

Jennifer Lea
Counsel, Special Projects