

# AIRD & BERLIS LLP

Barristers and Solicitors

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September 17, 2008

**Via Email and Courier**

Ms. Kirsten Walli  
Board Secretary  
Ontario Energy Board  
P.O. Box 2319  
27<sup>th</sup> Floor  
Toronto, ON M4P 1E4

Dear Ms. Walli:

**Re: Consultation on Energy Issues Relating to Low Income Consumers**  
**Board File No. EB-2008-0150**  
**Participant: Enbridge Electric Connections Inc.**

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We are counsel to Enbridge Electric Connections Inc. ("EECI").

In accordance with the Ontario Energy Board's Notice dated August 11, 2008, we enclose, in searchable Adobe Acrobat format, a summary of EECI's talking points which it intends to present at the Stakeholder Conference on September 25, 2008. Two hard copies of the attached are being delivered to the Board contemporaneously with this letter.

Yours very truly,

AIRD & BERLIS LLP

Original Signed by,

Dennis M. O'Leary

DMO/ct  
Enclosure

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**CONSULTATION ON ENERGY ISSUES RELATING  
TO LOW INCOME CONSUMERS**

**ENBRIDGE ELECTRIC CONNECTIONS INC.**

- **Smart Sub-Metering**
  - Operates behind a local distribution company's bulk meter on private property
  - Can exist in multi-unit condominiums, apartment buildings (*Residential Tenancies Act*), and multi-unit commercial buildings
  - Different unit types have different turnover rates (RTA units have much higher turnover rates (making the identification of low income occupants more difficult)
  - In all types of buildings, there can be a wide variation of income levels
  - Broad array of service offerings by various smart sub-metering companies
  - SSM operates in competitive environment
- **Regulatory Issues**
  - Developers/condominium corporations/RTA building owners are exempt from rate regulation (i.e., exempt distributors)
  - The OEB does not rate regulate smart sub-metering companies
  - Privacy legislation prohibits requiring unit owners to convey income levels
  - Smart sub-metering entities are ill equipped to undertake low income programs or to determine customer eligibility
  - No jurisdiction to require exempt distributors to undertake low income programs