



August 19, 2016

Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
2300 Yonge St., Suite 2700
Toronto, ON, M4P 1E4

via RESS and email

Dear Ms. Walli:

**RE: OEB Consumer Complaint Response Process
Board File No.: EB-2016-0179**

On July 22, 2016, the Ontario Energy Board (the “Board” or the “OEB”) issued a Notice of Proposal to Amend OEB Codes and Rules to introduce new enforceable regulatory requirements to the Distribution System Code, the Unit Sub-Metering Code, the Electricity Retailer Code of Conduct, the Code of Conduct for Gas Marketers and the Gas Distribution Access Rule (collectively, OEB Codes and Rules) with respect to how electricity and gas distributors, unit sub-meter providers, electricity retailers and gas marketers (collectively, Regulated Entities) respond to consumer complaints forwarded by the OEB.

This is the submission of the Coalition of Large Distributors (the “CLD”). The CLD consists of Enersource Hydro Mississauga Inc., Horizon Utilities Corporation, Hydro Ottawa Limited, PowerStream Inc., Toronto Hydro-Electric System Limited and Veridian Connections Inc. This submission has been filed via the Board’s web portal and three (3) requisite paper copies have been couriered to the Board.

General Comments

The CLD welcomes the opportunity to offer comments on the proposed mandatory and binding consumer complaint response process designed to provide consumers with timely and consistent dispute resolution process outcomes.

Guided by the OEB Renewed Regulatory Framework for Electricity (“RRFE”) objectives of operational effectiveness and customer focus, the consumer complaint response process can materially influence the level of satisfaction a consumer has with a utility and the overall outcome of their complaint. Consumer disputes also provide distributors an important opportunity to identify and address potential weaknesses in the delivery and offering of services. For these reasons, it is imperative that the OEB consumer complaint response process complement a distributor’s efforts to satisfactorily address consumer disputes and that the relationship between the distributor and consumer is not diminished or confused during the process. Barring exceptional circumstances, consumer complaints should initially be (re)directed to and responded by the distributor before the OEB consumer complaint process proceeds

any further. Additionally, it is important to ensure that the OEB consumer complaint response process is not vulnerable to misuse and is consistently managed.

The comments provided herein reflect the important role distributors and the OEB have towards ensuring consumer complaints are addressed in an appropriate and timely manner.

Proposed Amendments to the Distribution System Code

10 Consumer Complaint Response Process

10.1 The CLD has no concerns with the proposed definition of a complaint.

With regard to the designated OEB staff responsible for managing the consumer complaint response process, the CLD seeks to understand whether the OEB intends to assign one prime staff member to a distributor, or, designate a number of OEB staff, as needs dictate. The historical practice of dedicating one prime staff member has worked well in terms of providing process consistency and insight with respect to the distributor's business environment. The CLD recommends this approach continue. Comments on the OEB complaint e-portal are provided under the Consumer Complaint Resolution Process Tools section.

10.2 As written, this section requires a distributor to provide the consumer with the OEB contact information at the consumer complaint intake stage. While OEB contact information should be made available to consumers in due course, offering the option of making a complaint to the OEB before the distributor has had an opportunity to investigate and respond to the complaint will create confusion, frustrate the consumer who may perceive that the distributor is avoiding responsibility, create inefficiencies and diminish the distributor-consumer relationship.

The following revised wording is proposed for alignment and clarity:

"When a consumer expresses dissatisfaction with the distributor's response to their complaint, the distributor shall inform the consumer that the consumer can contact the OEB, and shall at the same time provide the consumer with the OEB's designated toll-free telephone number or local telephone number (as requested by the consumer), and the web site address designated by the OEB for that purpose.

The CLD believes this proposed revision more accurately reflects the OEB's intent, outlined in the Background of the Code Amendment: "However, there are instances where the consumer and Regulated Entity are not able to resolve their dispute. In these situations, the Regulated Entity shall direct the consumer to the OEB for further review of the issue."

In a similar manner, the CLD recommends that consumers who initially contact the OEB to resolve their complaint should be referred to their distributor for assistance, before the OEB consumer complaint response process is activated.

10.3 The CLD members have in place generic email addresses for receiving OEB consumer complaint referrals, which are monitored throughout the business day. This process has performed well; however, when emails are also sent to individual staff, within various departments in regard to the same consumer dispute, the process can become duplicative and ineffective. For example, important records may become lost; and/or email recipients may not be available, or be aware of related developments. To

mitigate this risk, the CLD proposes that the consumer complaint response process rely on the OEB complaint e-portal as the sole source and repository for all related communications to and from the OEB.

10.4 With reference to Section 10.4(b) the CLD proposes that, for purposes of efficiency, the distributor's consumer complaint response process stipulate an alternate team member, as opposed to the person the designated distributor contact reports to. In the unlikely event that neither party is reachable, then proposed Section 10.4(b) could follow as 10.4(c).

10.5 The CLD has no concerns with the notification requirements of this section and proposes these provisions also apply to Designated OEB Staff changes.

10.6 The proposed distributor response timelines are manageable. Further insight as to the criteria that Designated OEB Staff may apply in determining "an unduly adverse impact on the consumer or consumers" would be helpful in anticipating and managing escalation turnaround times, as well as, achieving consistent outcomes.

10.7 With reference to Section 10.7(f) and related Section 10.9, it is not clear to the CLD whether, as a result of an OEB consumer complaint, where a mutually-agreed upon resolution to the satisfaction of the consumer is reached, distributors must also provide progress updates, per arrangement timelines, in addition to confirming the arrangements and timelines. If this interpretation is correct, this new requirement may require further process automation to efficiently track progress. A viable alternative may be to report when the agreed-upon arrangements have been fully met, as well as, when they have not been fully met. Further insight into the objective of this provision would be helpful in assessing options

10.8 The CLD does not have any concerns with the timelines proposed for the provision of information beyond what is required in Section 10.7; however, the CLD wishes to confirm that such requests will also be received through the OEB Complaint E-Portal.

10.9 Please refer to 10.7 for comments.

10.10 The CLD supports the need to accommodate extensions in exceptional circumstances, as is currently the practice. In addition to the proposed provisions, the CLD recommends that the potential for an extension request be communicated, where the risk exists. This approach offers the Designated OEB Staff advanced notice, which may reduce the time required to make a determination.

The following revised wording is proposed:

"If, in exceptional circumstances, a distributor cannot provide the response required by section 10.6 or 10.8 within the applicable timeframe, or anticipates the potential for delay, the distributor may request a time extension, or advise an extension may be forthcoming. The time extension request, or notification of a potential extension request, shall be made through the OEB Complaint E-Portal at least one day prior to the expiry of the applicable deadline, and shall include the following:

10.11 In alignment with Section 10.10, the CLD recommends language to the effect that the Designated OEB Staff respond to the distributor's request for an extension no later than one day prior to the expiry of the applicable deadline.

10.12 The computation of time rules is helpful and will promote consistency.

Consumer Complaint Resolution Process Tools

The proposed OEB consumer complaint resolution process will require a robust and responsive electronic file management system in order to be effective. The current OEB complaint e-portal has several shortcomings which will need to be addressed. For example, the ability to create an audit trail or have access to a repository of distributor-specific files would support distributor efforts to make year-over-year comparisons and identify trends. The CLD recommends that the OEB establish a Regulated Entities working group to assist with the identification and implementation of enhancements for the complaint e-portal.

To augment the consumer complaint resolution process, the CLD supports the OEB's plan to develop a Handbook to provide further guidance and support. Again, the CLD would welcome the opportunity to assist Board staff in developing a Handbook that meets the identified needs of users and stakeholders. For example the OEB's protocol for informing Regulated Entities when OEB staff consider the complaint response process complete and the criteria for determining an unduly adverse impact on the consumer, as previously identified in Section 10.6, are helpful in effectively managing consumer complaints.

Additional Considerations

While not expressly identified in this consultation, the CLD believes the OEB intake process is also a key step towards ensuring that the consumer complaint resolution process is efficiently and effectively managed. For example, insight into the OEB intake process, the challenges OEB staff may encounter screening complaints, validating consumer issues or managing complex disputes would be helpful to Regulated Entities in terms of anticipating what level of detail or additional support may be required. It could also inform the development of the Handbook.

Administrative Clarification

With regard to the definition of holiday [ref: Legislation Act, 2006, Chapter 21, Schedule F, Section 88(2)], it is noted that the Civic holiday in August is not recognized, however, it is observed as a holiday by most, if not all, distributors. In view of this, the CLD proposes that the Civic holiday be included in the definition of holiday for time computation purposes.

Conclusion

The CLD supports the need to ensure the OEB consumer complaint resolution process is consistent, responsive and productive. The comments provided recognize the key role the OEB and distributors have to ensure the consumer experience is constructive and satisfying. The CLD looks forward to assisting the Board towards ensuring these objectives are met.

Yours truly,

(Original signed on behalf of the CLD)

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