



Enercare Connections Inc.

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SENT VIA PORTAL (<http://www.errr.ontarioenergyboard.ca>)

Kirsten Walli
Board Secretary
Ontario Energy Board
P.O. Box 2319
2300 Yonge Street, Suite 2700
Toronto, Ontario M4P 1E4

Dear Ms Walli:

Re: Notice of Proposal to Amend Codes and Rules
Board File No.: EB-2016-0179

I write on behalf of Enercare Inc., a publicly traded energy solutions company listed on the Toronto Stock Exchange. We own Enercare Connections Inc. (“Enercare”), a leading sub-metering company, with sub-metering contracts for condominium and apartment suites in respect of electricity, water, gas and geo-thermal energy in Ontario and elsewhere in Canada. Our company is the largest non-utility unit sub-meter provider in Ontario. We are licenced by the Ontario Energy Board (“OEB”). We currently have approximately 226,422 contracted units in around 1,698 multi-residential buildings, primarily in Ontario.

We are in receipt of the OEB’s Notice of Proposal to Amend Codes and Rules, including the Unit Sub-Metering Code, with respect to consumer complaints forwarded to the OEB. These proposed amendments are designed to best ensure that consumer complaints are handled in a timely manner and that there is consistency and equality of treatment of consumers regardless of location or service provider.

Enercare wishes to applaud the OEB for taking steps to focus on the consumer’s experience with their energy service provider. The consumer experience has always been, and remains, of utmost importance to Enercare. Enercare prides itself on having an unconditional commitment to the consumers we serve. In this regard, upon receipt of any consumer complaint, Enercare diligently investigates the issue and resolves the matter on a timely basis. Indeed, despite the fact that the OEB’s consumer complaint process is not mandatory, Enercare follows it as if it

was mandatory and always files responses through the OEB portal within the requested timeline. In addition, Enercare is accredited by the Better Business Bureau (“BBB”) and has an A+ rating by the BBB.

The OEB’s Notice of Proposal invited parties to submit comments or suggestions. As set out below, please find Enercare’s comments specifically in respect of the proposed amendments to the Unit Sub-Metering Code found at Attachment B to the OEB’s Notice of Proposal.

Enercare is in agreement with and recommends the majority of the proposed changes to the Unit Sub-Metering Code. Specifically, those at Sections 1.2, 3.3.4, 3.3.6, 3.3.7, 3.3.8, 3.3.10, 3.3.14, and 4.5.11. With respect to the remaining proposed amendments, Enercare respectfully submits the following comments for consideration:

Section 3.3.3 Enercare would be pleased to further assist with bringing the OEB’s role in the complaint handling process to the attention of consumers. On account of the proposed amended broad definition of “complaint”, and the proposed removal of criteria that a complaint be “unresolved”, Enercare cautions of a significant increase in the volume of calls and emails being sent to the OEB, including with respect to matters that have already been resolved and addressed by the sub-meter provider. If resolution has already occurred in respect to a matter, Enercare sees potential inefficiencies, including the time and cost spent by both the OEB and sub-meter provider, by engaging in the Consumer Complaint Response Process for resolved matters. Enercare suggests consideration be made for the identification and handling of resolved matters.

Section 3.3.9 Enercare is in general agreement with this proposed change. However, specifically in respect to subsection (f), it is Enercare’s experience that, in most instances where a resolution is not completely implemented at the time of response, that delay is due to factors or third parties whose timelines are not within Enercare’s control. In such cases, Enercare is unable to provide a timeline for completion of those remaining steps. For example, if the resolution involves a Measurement Canada investigation at the consumer’s property, then the timeline for completion of the resolution (i.e., the completion of the Measurement Canada investigation) would be solely determined by Measurement Canada in accordance with its own scheduling process. Similarly, if a resolution involves a consumer’s application for assistance through LEAP, the timeline for completion of the resolution is dependent upon the date the consumer submits their

application and then the duration of the LEAP review process. Accordingly, rather than requiring that a response include a timeline for when certain remaining steps will be completed, it is suggested that the response simply identify what those remaining steps are and who will be completing them. If a timeline for completion can be estimated, it would only be provided where available or applicable.

Section 3.3.11 Similar to the comment made regarding section 3.3.9 above, Enercare's experience is that resolutions which have not been completely implemented at the time of response to the OEB, involve factors or third parties that are not within Enercare's control. In many such instances, it is the consumer, and not Enercare, who is first notified that the outstanding step has been completed. In other instances, it is, in fact, the consumer who is the one required to complete the outstanding step. As such, it would be at best impractical, at times impossible, for the sub-meter provider to continue to exercise ongoing supervision over third parties, including ongoing supervision over the consumer, to ensure that those third parties carry out future acts within a particular timeline.

In order to best assist both the OEB and the sub-meter provider in delivering the most just, expedient and cost effective management of consumer complaint resolution, it is recommended that, where a resolution is not completely implemented at the time of response to the OEB (but the remaining steps and the parties completing those steps have been identified to the OEB), it be recognized such remaining steps will be completed by the identified parties unless the OEB is subsequently informed otherwise by either the consumer, the sub-meter provider or the third party.

Section 3.3.12 &
Section 3.3.13

As discussed in our comments in respect of Sections 3.3.9 and 3.3.11 above, it is difficult, and in some instances not possible, for a sub-meter service provider to ensure that a consumer or third party carries out a future act within a particular timeline. Accordingly, the sub-meter provider's exercise of ongoing supervision of others leading to requests for extension of time to the OEB (where timelines may still be unascertainable) are unlikely to assist in bringing the matter to completion.

Thank you for the opportunity to provide these comments in respect of the proposed amendments to the Unit Sub-Metering Code regarding consumer complaints. We would be happy to answer any questions you may have.

Regards,

John Toffoletto

A handwritten signature in blue ink, consisting of several overlapping loops and a long vertical stroke on the left side, positioned to the right of the printed name 'John Toffoletto'.