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**via RESS and courier**

October 4, 2016

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

**Re: EB-2015-0268: Giving Effect to the Ontario Energy Board's Report on the Effectiveness of the *Energy Consumer Protection Act, 2010* ("ECPA")**

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Shell Energy North America (Canada) Inc. ("Shell Energy") submits these comments regarding the September 8<sup>th</sup> Notice issued by the Ontario Energy Board (the "Board") to amend several regulatory instruments. The proposed amendments are being made in relation to the ECPA and low volume consumers and the activities of electricity retailers and natural gas marketers serving them as covered by the ECPA.

#### Amendments to the RSC and the GDAR Mandating a Written Notice of Switch

Within these amendments the Board correctly specifies the requirement as being only for low volume consumers but, unfortunately, acquiesces to their issuance to large volume consumers because the Board "does not believe that their receipt of the notice is problematic". Shell Energy disagrees with this position due to the customer confusion it may cause and would prefer such notices not be sent to large volume consumers.

The Board also indicates that a cost recovery mechanism will be developed for the purpose of utilities collecting the costs related to sending such notices from marketers and retailers. Cost recovery for the issuance of notices to large volume consumers should not be factored into this process. These notices are not required, but being permitted on a voluntary basis, and should not be subject to such regulatory charges.

The proposed form of notice assumes the use of distributor-consolidated billing, with the Board inviting participants to indicate if other forms may be required. Shell Energy confirms that for natural gas marketing it makes use of split billing, and requests that such a version be created.

## Amendments to the RSC and the GDAR to Make Retail Contracts More Visible on the Bill

Despite these requirements being made applicable to low volume consumers, Shell Energy suspects that in practice they may also be applied to large volume consumers. This is founded on the assumption that the line item is “hard-coded” in the utilities’ billing systems based on the marketer or retailer without consideration for the size of customer. Given the type of information being communicated to the customer, Shell Energy does not object to this situation per se, but has some concern regarding the specific requirements.

As a drafting matter, Shell Energy believes there may be an error in the GDAR amendments, as they maintain the requirement that the utility must include the e-mail address – but then add the sentence that the e-mail address is optional.

The Board is proposing to mandate that the telephone number and website be presented on the bill, with the e-mail address being optional and up to the utilities’ discretion. For Shell Energy and its customers and the way we interact, the inclusion of the website is of no value.

Shell Energy suggests changing the requirements such that inclusion of the telephone number is mandatory; that inclusion of either a website or an e-mail address be mandatory – at the choice of the marketer or retailer; and that inclusion of a third item either the website or the e-mail address be optional – at the discretion of the utility, but only if requested by the marketer or retailer. This would maintain respect for the space limitations on the utility bills, while accommodating the preferences of the marketers and retailers based on preferred methods of customer interaction. Consequential to this, the requirements on the marketers and retailers to provide information to the utilities should be altered such that they provide the telephone number, their choice of website or e-mail address, and the third item only if they choose to do so, and if the utility can accommodate the information.

## Energy Retailer Scorecards

The Board is proposing changes to the Gas Marketer Code of Conduct (“Marketer Code”) and the Electricity Retailer Code of Conduct (“Retailer Code”) to introduce requirements regarding complaint and compliance information. Whereas the Marketer Code only applies to low volume consumers and related activities of gas marketers, the Retailer Code has some requirements that also apply to large volume consumer activity. This results in the need for specificity within the Retailer Code where requirements involve low volume consumers. In drafting other proposed amendments to the Retailer Code in pursuit of implementing other elements stemming from the ECPA, the Board has been cognizant of this need for low volume consumer specificity.

Shell Energy observes a potential drafting oversight by the Board, in that the new requirements in the Retailer Code, sections 7.7, 7.8, and 7.9 regarding complaint and compliance information lack the needed reference to low volume consumers. Shell Energy requests that the Board address this by including the necessary references to low volume consumers, for example, by using the following wording “... retailer selling to low volume consumers shall ...”.

If this is not an oversight, but rather the intention of the Board, Shell Energy strongly objects to the broad application of these requirements beyond low volume consumers. This would go beyond the stated purpose of implementing measures related to the ECPA and provide neither service to, nor the protection of, the larger volume consumers.

All of which is respectfully submitted,

*original signed*

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