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BY E-MAIL AND WEB POSTING

February 2, 2017

**To: Ontario EBT Standards Working Group for Retail Settlement
GDAR EBT Standards Working Group**

**Re: Giving Effect to the OEB's Report on the Effectiveness of the *Energy Consumer Protection Act, 2010*
Board File No.: EB-2015-0268**

On December 1, 2016, the Ontario Energy Board (OEB) issued a [Notice of Final Amendments](#) to its regulatory instruments regarding the implementation of its *Consumers Come First* report on the *Energy Consumer Protection Act, 2010*. Of particular relevance to the EBT Standards Working Groups are the two regulatory requirements that will come into effect on **July 1, 2017**:

- i. a requirement for electricity and gas distributors to send an OEB-approved “notice of switch” letter to a low-volume consumer within 5 business days of processing certain service transaction requests; and
- ii. a requirement for electricity and natural gas bills to include certain OEB-approved statements on bills issued to low-volume consumers that have a contract with a gas marketer or electricity retailer (together, energy retailers).

For convenience, relevant portions of the final amendments to the Gas Distribution Access Rule and the Retail Settlement Code that contain these requirements are set out in Attachment A.

During the consultations on the code and rule amendments, the OEB had requested the EBT Working Groups provide views on the technical matters related to some of the proposed amendments. The OEB is in receipt of your letters in which you reported back to the OEB on the progress of discussions relating to potential EBT implications associated with proposed amendments to OEB rules and codes to address certain findings and implement certain recommendations set out in the OEB's *Consumers Come First* report. The final amendments are similar, but not in all respects identical, to the proposed amendments that the OEB asked you to consider in the fall of 2015.

The OEB requests that the EBT Standards Working Groups convene to work through any EBT schema or other changes that may be required to support these new requirements. The EBT Standards Working Groups should report back to the OEB by **March 2, 2017** to confirm the timing of implementation of any EBT changes to support the coming into force of these new regulatory requirements on July 1, 2017. Your letter should be addressed to the Board Secretary at boardsec@ontarioenergyboard.ca and quote file number EB-2015-0268.

During consultations on the above requirements, concerns were raised by energy retailers in relation to the potential for the “notice of switch” letter to be sent to large volume consumers given constraints in the EBT system. The OEB requests that the EBT Standards Working Groups identify, in their respective reports, any EBT changes that would be necessary to ensure that large volume consumers do not receive the notice of switch letter.

Please do not hesitate to contact Lou Mustillo at 416-544-5185 or Lou.Mustillo@OntarioEnergyBoard.ca should you have any questions.

Yours truly,

Original signed by

Brian Hewson
Vice President, Consumer Protection & Industry Performance

Attachment A: Amendments to the Gas Distribution Access Rule and the Retail Settlement Code

Attachment A

A. Amendments to the Gas Distribution Access Rule

1. Section 4.3 of the Gas Distribution Access Rule is amended by adding the following new section 4.3.10:

4.3.10 Beginning on July 1, 2017, where a gas distributor processes an STR for a change in supply in respect of a low volume consumer under section 4.3.5 or 4.3.6, the gas distributor shall notify the low volume consumer of the transfer in writing using the form of notice approved by the Board. The notice shall be sent within 5 business days of the date on which processing of the STR has been completed. The notice must be sent to the low volume consumer separate from any other communication from the gas distributor, including the bill. Subject to any arrangements to the contrary that a gas distributor may have with a low volume consumer in relation to communications, the notice may be sent to the low volume consumer by courier, mail, facsimile or e-mail.

2. Section 6 of the Gas Distribution Access Rule is amended by adding the following new sections 6.1.4 and 6.1.5:

6.1.4 Beginning on July 1, 2017, in the case of gas distributor-consolidated billing, and despite any Service Agreement, a gas distributor shall, in respect of a low volume consumer that is served by a gas vendor, include, on the part of each bill submitted to the low volume consumer that relates to the commodity price, the phrase "YOU ARE BUYING YOUR GAS FROM", followed by the gas vendor's name in capital letters. The gas distributor shall also include on the bill, immediately following the gas vendor's name, either (a) the gas vendor's toll-free telephone number and website address as provided by the gas vendor; or (b) an asterisk or other symbol of equivalent effect to indicate that the gas distributor has included the gas vendor's toll-free telephone number and website address elsewhere on the bill. A gas distributor may also include the gas vendor's e-mail address as provided by the gas vendor, in which case the e-mail address shall appear immediately following the gas vendor's website address.

6.1.5 Despite any Service Agreement, a gas vendor shall provide each applicable gas distributor with the gas vendor's name, toll-free telephone number, website address and e-mail address for the purposes of section 6.1.4.

B. Amendments to the Retail Settlement Code

1. Section 7 of the Retail Settlement Code is amended by adding the following new section 7.2.3:

7.2.3 Retailer Information on the Bill

Beginning on July 1, 2017, and despite any Service Agreement, a distributor shall, in respect of a low volume consumer that is served by a retailer, include, on the part of

each bill submitted to the low volume consumer that relates to the commodity price, the phrase "YOU ARE BUYING YOUR ELECTRICITY FROM", followed by the retailer's name in capital letters. The distributor shall also include on the bill, immediately following the retailer's name, either (a) the retailer's toll-free telephone number and website address as provided by the retailer; or (b) an asterisk or other symbol of equivalent effect to indicate that the distributor has included the retailer's toll-free telephone number and the retailer's website address elsewhere on the bill. A distributor may also include the retailer's e-mail address as provided by the retailer, in which case the e-mail address shall appear immediately following the retailer's website address.

Despite any Service Agreement, a retailer shall provide each applicable distributor with its name, toll-free telephone number, website address and e-mail address for the purposes of the above.

2. Section 10.5 of the Retail Settlement Code is amended by adding the following new section 10.5.4A:

10.5.4A Notification of Transfer to Low Volume Consumer

Beginning on July 1, 2017, where a distributor processes an STR for a change in supply in respect of a low volume consumer under section 10.5.3 or 10.5.4, the distributor shall notify the low volume consumer of the transfer in writing using the form of notice approved by the Board. The notice shall be sent within 5 business days of the date on which processing of the STR has been completed. The notice must be sent to the low volume consumer separate from any other communication from the distributor, including the bill. Subject to any arrangements to the contrary that a distributor may have with a low volume consumer in relation to communications, the notice may be sent to the low volume consumer by courier, mail, facsimile or e-mail.