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## BY E-MAIL AND WEB POSTING

March 31, 2017

**To: All Licensed Electricity Retailers  
All Licensed Gas Marketers  
All Licensed Electricity Distributors  
All Natural Gas Distributors  
All Participants in Consultation Process EB-2014-0158 (Consultation on the Effectiveness of Part II of the *Energy Consumer Protection Act, 2010*) and EB-2015-0268 (Giving Effect to the OEB's Report on the Effectiveness of the *Energy Consumer Protection Act, 2010*)  
All Other Interested Parties**

**Re: Giving Effect to the OEB's Report on the Effectiveness of the *Energy Consumer Protection Act, 2010*  
Issuance of Final Consumer Facing Materials and Notice of Amendments to the Electricity Retailer Code of Conduct and the Code of Conduct for Gas Marketers**

**OEB File No.: EB-2015-0268**

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The Ontario Energy Board (OEB) has today issued final, OEB-approved versions of the following documents:

- i. Disclosure Statements, set out in Attachment A to this letter;
- ii. Price Comparison templates, set out in Attachment B to this letter, together with the instructions for their use; and
- iii. Tip Sheet, set out in Attachment C to this letter.

The dates by which electricity retailers and natural gas marketers (collectively, energy retailers) are required to use these documents is set out in section C below.

The OEB is also giving notice of the adoption of amendments to the Electricity Retailer Code of Conduct and the Code of Conduct for Gas Marketers (together, Codes of Conduct) relating to the availability of translations of certain of the Consumer Facing

Materials and standard contract terms and conditions. These amendments are set out in Attachment D to this letter and described in section D below.

## **A. Background**

Disclosure Statements and Price Comparisons are required by Ontario Regulation 389/10 (General) made under the *Energy Consumer Protection Act, 2010* and the Codes of Conduct. Use of Tip Sheet is contemplated in amendments to the Codes of Conduct that were adopted by the OEB on December 1, 2016.<sup>1</sup>

On November 29, 2016, the OEB invited comment on proposed revised Disclosure Statements, Price Comparison templates and Tip Sheet (collectively, Consumer Facing Materials). In response to the OEB's November 29, 2016 [letter](#), the OEB received comments on the proposed revised Consumer Facing Materials from 4 energy retailers. All of the written comments are available for viewing on the OEB's website on the Giving Effect to the OEB's Report on the Effectiveness of the *Energy Consumer Protection Act, 2010* [project webpage](#).

By [letter](#) dated December 15, 2016, the OEB gave notice that it was deferring implementation of the new Consumer Facing Materials for the immediate term, and that energy retailers should continue to use the then-existing Price Comparison templates and Disclosure Statements (updated to align with the new legislative provisions) until further notice.

## **B. Consumer Facing Materials as Approved by the OEB**

As indicated in the OEB's November 29, 2016 letter, in developing the proposed revised Consumer Facing Materials the OEB considered comments received from energy retailers and the OEB's Consumer Panel on proposed versions issued in the fall of 2015.

In their comments on the November 29<sup>th</sup> proposed revised Consumer Facing Materials, energy retailers expressed concern that some of the language in the Consumer Facing Materials should be revised to achieve a more appropriate balance. Two energy retailers were concerned that the new booklet format proposed by the OEB may not accommodate carbon capture, which is accommodated by the existing versions of the Disclosure Statements and Price Comparison templates. They also expressed a preference for being able to maintain a Word format for the Price

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<sup>1</sup> See the OEB's December 1, 2016 [Notice of Amendment](#).

Comparison templates, to avoid unnecessary strain on resources.

One or more energy retailers also offered the following additional comments on the electricity versions of the Price Comparison templates:

- i. transparency and comparability are lost by the OEB's proposal to roll-up the regulated time-of-use prices into one line;
- ii. the amount of the Global Adjustment should be added to Table A; and
- iii. the field for the description of the energy retailer's contract price may not be sufficiently large.

The OEB remains of the view that the new booklet format will better suit the objective of making the Consumer Facing Materials more consumer friendly, in that they are easier to read, follow and understand when distributed in hard copy. The OEB acknowledges that carbon capture may no longer be possible as a result, but believes that the benefits to consumers of moving to the booklet format outweighs the desire of energy retailers to be able to accommodate carbon capture for practical reasons, particularly given the ban on contracting at a consumer's home. All of the Consumer Facing Materials must, when used in hard copy, be presented in booklet format using legal-sized paper. The OEB has, however, prepared versions of the Consumer Facing Materials for use online that are not presented in booklet format.

Similarly, the OEB believes that the consumer benefits of the new format for the Price Comparison templates, which cannot easily be replicated in Word, outweigh the desire of energy retailers to keep using Word versions for practical reasons. To the extent that the energy retailers' concerns related, at least in part, to implementation timelines, as set out in section C energy retailers will have some lead time to shift to the use of a PDF format.

Given that Table B has fields for the energy retailer's contract price, the OEB believes that the field for the description of that price, though smaller than is the case with existing Price Comparison templates, should be adequate.

The OEB has revised the electricity versions of the Price Comparison templates to break down the regulated time-of-use price into the three time-of-use periods. These versions have also been revised to show the forecast Global Adjustment amount in Table A, and to require that same forecast amount to be used in Table B. This is the approach used in the current Price Comparison templates. The OEB notes that this latter change triggers a need to modify the electricity and dual fuel versions of the

standard contract terms and conditions, as the current description of “other charges” includes a statement to the effect that the Price Comparison provided with the contract “shows that the Global Adjustment was \$XX.XX/kWh [*Energy retailer to insert the GA amount as per the price comparison provided to the consumer*] for the month of [*Energy retailer to insert month/year*]”. Updated standard contract terms and conditions will be issued in the near term.

### **C. Effective Implementation Date**

Energy retailers are required to use the Consumer Facing Materials as approved by the OEB as of the following dates:

- i. **May 1, 2017** for the new Tip Sheet;
- ii. **May 1, 2017** for the electricity versions of the revised Disclosure Statements and Price Comparison templates and for the dual fuel versions of the revised Disclosure Statements, which will be updated to reflect any changes in the regulated time-of-use prices when they are announced in mid-April; and
- iii. **July 1, 2017** for the natural gas versions of the revised Disclosure Statements and Price Comparison templates, which will be updated to reflect any quarterly changes in natural gas prices that are effective as of July 1, 2017.

All of the Consumer Facing Materials approved for use on the effective dates set out above will be posted on the OEB’s website on the [“Energy Contracts – Disclosure Statement and Price Comparison Templates, Verification Scripts, Standard Contract Terms and Conditions”](#) webpage.

### **D. Amendments to the Codes of Conduct Regarding Translation**

The Codes of Conduct contain provisions that relate to the availability of translations of the Tip Sheet, Disclosure Statements and standard contract terms and conditions. Based on the limited number of instances in which a translation of the Disclosure Statements has been downloaded from the OEB’s website in a language other than English in the past year, and that a number of the different translations have not been downloaded at all during that time, the OEB has concluded that greater flexibility in relation to translations is appropriate. The OEB has therefore amended sections 1.2, 3.2D, 4.3 and 4.4 of each of the Codes of Conduct as set out in Attachment D to enable that flexibility.

Given the limited consumer demand that has been shown in relation to translations of the Disclosure Statements, and the OEB's expectation that the same would be true of the Tip Sheet and the standard contract terms and conditions, the OEB considers that this change is non-material.

The amendments to the Codes of Conduct as set out in Attachment D come into effect on April 18, 2017, as set out in the amendments to section 1.10 of each of the Codes of Conduct.

This letter, including the materials set out in Attachments A to D, will be available for public viewing on the OEB's website at [www.ontarioenergyboard.ca](http://www.ontarioenergyboard.ca) and at the office of the OEB during normal business hours.

Questions regarding the matters addressed in this letter should be directed to [IndustryRelations@oeb.ca](mailto:IndustryRelations@oeb.ca), or by phone at 416-314-2455 or 1-877-632-2727 (toll-free within Ontario).

**DATED March 31, 2017**

**ONTARIO ENERGY BOARD**

*Original signed by*

Kirsten Walli  
Board Secretary

Attachments	Attachment A: Disclosure Statements
	Attachment B: Price Comparison Templates
	Attachment C: Tip Sheet
	Attachment D: Amendments to the Electricity Retailer Code of Conduct and the Code of Conduct for Gas Marketers

**Attachment A**  
**Disclosure Statements**

*(Separate documents attached)*

**Attachment B**  
**Price Comparison Templates**

*(Separate documents attached)*

**Attachment C**  
**Tip Sheet**

*(Separate document attached)*

## **Attachment D**

### **Amendments to the Electricity Retailer Code of Conduct and the Code of Conduct for Gas Marketers Code**

#### **I. Amendments to the Electricity Retailer Code of Conduct**

1. Section 1.10 of the Electricity Retailer Code of Conduct is amended by adding the following new section 1.10.5:

1.10.5 The amendments to this Code made by the OEB on March 31, 2017 come into force on April 18, 2017.

2. Section 1.2 of the Electricity Retailer Code of Conduct is deleted and replaced with the following:

1.2 If a low volume consumer asks whether an OEB-approved document referred to in section 1.1(f.1) is available in a language other than English or requests one, the retailer shall inform the low volume consumer that the OEB can make a translation available on request.

3. Section 3.2D of the Electricity Retailer Code of Conduct is deleted and replaced with the following:

3.2D If a low volume consumer asks whether the OEB-approved standard contract terms and conditions referred to in section 3.2A are available in a language other than English or requests them, the retailer shall inform the low volume consumer that the OEB can make a translation available on request.

4. Sections 4.3 and 4.4 of the Electricity Retailer Code of Conduct are deleted and replaced with the following:

4.3 If a low volume consumer asks whether an OEB-approved disclosure statement is available in a language other than English or requests one, the retailer shall inform the low volume consumer that the OEB can make a translation available on request.

- 4.4 If a retailer wishes to provide a low volume consumer with an OEB-approved disclosure statement in a language other than English, the retailer shall first ascertain whether the disclosure statement is available from the OEB in that language. If the disclosure statement is available from the OEB in that language, the retailer may only provide the low volume consumer with the disclosure statement as made available by the OEB. If the disclosure statement is not available from the OEB in that language, the retailer may provide the low volume consumer with a translation of the OEB-approved disclosure statement provided that the translation is true, accurate and complete.

## **II. Amendments to the Code of Conduct for Gas Marketers**

1. Section 1.10 of the Code of Conduct for Gas Marketers is amended by adding the following new section 1.10.5:
  - 1.10.5 The amendments to this Code made by the OEB on March 31, 2017 come into force on April 18, 2017.
2. Section 1.2 of the Code of Conduct for Gas Marketers is deleted and replaced with the following:
  - 1.2 If a consumer asks whether an OEB-approved document referred to in section 1.1(f.1) is available in a language other than English or requests one, the gas marketer shall inform the consumer that the OEB can make a translation available on request.
3. Section 3.2D of the Code of Conduct for Gas Marketers is deleted and replaced with the following:
  - 3.2D If a consumer asks whether the OEB-approved standard contract terms and conditions referred to in section 3.2A are available in a language other than English or requests them, the gas marketer shall inform the consumer that the OEB can make a translation available on request.
4. Sections 4.3 and 4.4 of the Code of Conduct for Gas Marketers is deleted and replaced with the following:
  - 4.3 If a consumer asks whether an OEB-approved disclosure statement is available in a language other than English or requests one, the gas

marketer shall inform the consumer that the OEB can make a translation available on request.

- 4.4 If a gas marketer wishes to provide a consumer with an OEB-approved disclosure statement in a language other than English, the gas marketer shall first ascertain whether the disclosure statement is available from the OEB in that language. If the disclosure statement is available from the OEB in that language, the gas marketer may only provide the consumer with the disclosure statement as made available by the OEB. If the disclosure statement is not available from the OEB in that language, the gas marketer may provide the consumer with a translation of the OEB-approved disclosure statement provided that the translation is true, accurate and complete.