

## **Form of Self-Certification Statement on Compliance Under Section 6.4 of the Electricity Retailer Code of Conduct**

*Note: This form is required to be used for the purposes of compliance with section 6.4 of the Board's Electricity Retailer Code of Conduct pertaining to the annual filing of a Self-certification Statement on compliance with all applicable legal and regulatory requirements (as defined below). The form should be completed in accordance with the Ontario Energy Board's instructions as set out on the Board's webpage.*

*Electricity retailers must maintain and be able to provide, on request, records substantiating the statements made in this Self-certification Statement.*

### **Part I: Definitions and Interpretation**

#### **1.1 In this Self-certification Statement:**

“applicable legal and regulatory requirement” means any requirement under the *Energy Consumer Protection Act, 2010*, the *Ontario Energy Board Act, 1998*, the regulations made under those Acts, a licence issued under section 57(d) of the *Ontario Energy Board Act, 1998* and any code issued by the Board under section 70.1 of the *Ontario Energy Board Act, 1998* that is in force on the Effective Certification Date;

“Effective Certification Date” means the date on which this Self-certification Statement is signed by the Retailer and filed with the Board;

“low volume consumer” means a consumer who annually uses less than 150,000 kilowatt hours of electricity or such other amount as may be prescribed for the purposes of section 2 of the *Energy Consumer Protection Act, 2010*;

“Retailer” means the licensed retailer identified in the opening paragraph of section II;

“salesperson” has the meaning given to it in section 2 of the *Energy Consumer Protection Act, 2010*, and for greater certainty includes any person that offers or negotiates the renewal or extension of a contract on behalf of a retailer but excludes a verification representative when acting solely in that capacity;

“text-based” has the meaning given to it in the *Energy Consumer Protection Act, 2010*; and

“verification representative” means a person that conducts the verification of a contract on behalf of a retailer.

- 1.2 Unless otherwise defined in this Self-certification Statement, words and phrases shall have the meanings given to them in the *Ontario Energy Board Act, 1998*, the *Energy Consumer Protection Act, 2010* or the regulations made under those Acts.
- 1.3 In this Self-certification Statement, “N/A” in relation to a given statement means that the Retailer will not, as of the Effective Certification Date and for a period of not less than 1 month thereafter, carry on the activity to which the statement relates.
- 1.4 All statements in this Self-certification Statement pertain to retailing to low volume consumers.

**Part II: Self-certification**

I, Manu Asthana, President, Direct Energy,  
 having made all necessary enquiries, certify on behalf of the Retailer that:

<b>Confirmation of Retailing Activities</b>		
<b>The channels that the Retailer is using for the purpose of retailing electricity as of the Effective Certification Date are the following:</b>	<b>Yes</b>	<b>No</b>
1. In-Person Channels	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(a) Door-to-Door	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Exhibitions	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Trade shows	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Retailer's place of business	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) Other (please specify below)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<div style="border: 1px solid black; width: 100%; height: 100%;"></div>		

	Yes	No
2. Direct Mail	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Internet	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Telephone Renewals	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Other (please specify below)	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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<b>Self-certification Statement</b>		
<b>1. Salespersons</b>	<b>Yes</b>	<b>N/A</b>
(A) All salespersons acting on behalf of the Retailer have undergone training and testing in accordance with all applicable legal and regulatory requirements	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(B) Each salesperson acting on behalf of the Retailer has been provided with business cards that meet all applicable legal and regulatory requirements	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(C) Each salesperson acting on behalf of the Retailer has been provided with an identification badge that meets all applicable legal and regulatory requirements	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(D) The Retailer's practices for hiring or contracting for salespersons are such that on and after the Effective Certification Date, those persons can be expected to conduct their activities in compliance with all applicable legal and regulatory requirements and with integrity and honesty.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(E) Adequate processes and controls, designed to ensure that the conduct of salespersons on and after the Effective Certification Date is in accordance with all applicable legal and regulatory requirements, are in place	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<b>Self-certification Statement</b>		
<b>2. Sales using a text-based contract</b>	<b>Yes</b>	<b>N/A</b>
(A) All contract offers, contracts and promotional material pertaining to the sale of electricity to consumers have been prepared or revised as required to comply with all applicable legal and regulatory requirements and only offers, contracts and promotional material that so comply will be used on and after the Effective Certification Date	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(B) The required disclosure statement and price comparison will be used on and after the Effective Certification Date in accordance with all applicable legal and regulatory requirements	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(C) Adequate processes and controls, designed to ensure that the text-based contracting process on and after the Effective Certification Date is conducted in accordance with all applicable legal and regulatory requirements, are in place	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>3. Sales using the Internet</b>	<b>Yes</b>	<b>N/A</b>
(A) The Retailer's internet website and internet contracting process comply with all applicable legal and regulatory requirements	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(B) All contract offers, contracts and promotional material pertaining to the sale of electricity to consumers comply with all applicable legal and regulatory requirements and only offers, contracts and promotional material that so comply will be used on and after the Effective Certification Date	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(C) The required disclosure statement and price comparison will be used on and after the Effective Certification Date in accordance with all applicable legal and regulatory requirements	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(D) Adequate processes and controls, designed to ensure that the internet contracting process on and after the Effective Certification Date is conducted in accordance with all applicable legal and regulatory requirements, are in place	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>4. Verification</b>	<b>Yes</b>	<b>N/A</b>
(A) No verification representative acting on behalf of the Retailer will be remunerated on and after the Effective Certification Date in a manner contrary to any applicable legal and regulatory requirements	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(B) All verification representatives acting on behalf of the Retailer have undergone training and testing in accordance with all applicable legal and regulatory requirements	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(C) All verification representatives acting on behalf of the Retailer have been instructed to do so using the verification call script approved by the Board	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(D) Adequate processes and controls, designed to ensure that each verification call made or received by the Retailer on and after the Effective Certification Date (including a call from a consumer for the	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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purpose of giving notice not to verify) is recorded and that a copy of the call recording can be retrieved and provided to the consumer upon request in accordance with all applicable legal and regulatory requirements, are in place		
(E) Adequate processes and controls, designed to ensure that the verification of electricity contracts with consumers on and after the Effective Certification Date is conducted in accordance with all applicable legal and regulatory requirements, are in place	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>5. Contract Renewals and Extensions</b>	<b>Yes</b>	<b>N/A</b>
(A) All contract renewal/extension offers, contract renewal/extension forms and promotional material pertaining to the renewal/extension of electricity contracts with consumers comply with all applicable legal and regulatory requirements and only contract renewal/extension offers, renewal/extension forms and promotional material that so comply will be used	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(B) The required disclosure statement and price comparison will be used on and after the Effective Certification Date in accordance with all applicable legal and regulatory requirements	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(C) All salespersons conducting telephone renewals on behalf of the Retailer have undergone training and testing in accordance with all applicable legal and regulatory requirements	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(D) All salespersons conducting renewal calls on behalf of the Retailer have been instructed to do so using the renewal call script approved by the Board	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(E) Adequate processes and controls, designed to ensure that each renewal/extension call made or received by the Retailer on and after the Effective Certification Date (including a call from a consumer for the purpose of giving notice not to renew/extend) is recorded and that a copy of the call recording can be retrieved and provided to the consumer upon request in accordance with all applicable legal and regulatory requirements, are in place	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(F) Adequate processes and controls, designed to ensure that the renewal/extension of electricity contracts with consumers on and after the Effective Certification Date is conducted in accordance with all applicable legal and regulatory requirements, are in place	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>6. Contract Amendments</b>	<b>Yes</b>	<b>N/A</b>
(A) Adequate processes and controls, designed to ensure that the amendment of any electricity contract with a consumer on and after the Effective Certification Date is conducted in accordance with all applicable legal and regulatory requirements, are in place	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Self-certification Statement**

<b>7. Cancellations and Retractions</b>	<b>Yes</b>	<b>N/A</b>
(A) Adequate processes and controls, designed to ensure that the cancellation of any contract with a consumer on and after the Effective Certification Date is processed in accordance with all applicable legal and regulatory requirements, including as to the payment of any refund to which the consumer may by law be entitled and to the switching of the consumer back to the consumer's utility, are in place	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(B) Adequate processes and controls, designed to ensure that the retraction of the renewal/extension of any electricity contract by a consumer on and after the Effective Certification Date is processed in accordance with all applicable legal and regulatory requirements, including as to the switching of the consumer back to the consumer's utility, are in place	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(C) Adequate processes and controls, designed to ensure that each cancellation call and each retraction call received by the Retailer on and after the Effective Certification Date is recorded and that a copy of the call recording can be retrieved and provided to the consumer upon request in accordance with all applicable legal and regulatory requirements, are in place	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>8. Complaint Handling</b>	<b>Yes</b>	<b>N/A</b>
(A) Adequate processes and controls are in place to ensure that consumer complaints on and after the Effective Certification Date alleging non-compliance with any applicable legal or regulatory requirement can be received and are reviewed by the Retailer in a timely manner	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(B) Adequate processes and controls are in place to ensure that remedial action is taken in a timely manner to address consumer complaints referred to in (A) above, with the consumer and/or with any person that is the subject of the complaint	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Date: April 27, 2017



Signature

President, Direct Energy

Title

**Notes:**

1. This Self-certification Statement must be signed by the Retailer's Chief Executive Officer, Chief Operating Officer, President or other person of equivalent position.
2. It is an offence under section 126(1)(b) of the *Ontario Energy Board Act, 1998* to knowingly furnish false or misleading information in any application, statement or return made under that Act or in any circumstances where information is required or authorized to be provided under that Act.

Print Form