

August 23, 2019

Ontario Energy Board
2300 Yonge Street, 27th Floor
Toronto, ON M4P 1E4
Attn: Ms. K. Walli
Board Secretary

Dear Ms. Walli

Re: **EB-2018-0335**

As you are aware, the Electricity Distributors Association (EDA) represents local hydro utilities, the part of our electricity system that is closest to customers. Local hydro utilities are on the front lines of power, and we know that the most important conversations about energy happen around the kitchen table, not the boardroom table. Our customers understand the power of local hydro, and they value the relationship of trust they have built with their local hydro utilities, relying on us to deliver safer, more reliable, and more affordable electricity.

The EDA supports and endorses the Ontario Energy Board's (OEB) proposed amendments to the Electricity Retailers Code of Conduct (CoC). The EDA thanks the OEB for taking steps to amend its suite of regulatory instruments so that all instruments provide appropriate and, to the extent possible, consistent consumer complaint handling processes. The proposed amendments to both the Electricity Retailers and Gas Marketers CoC complement and conclude the initiative that commenced with amendments to the Distribution System Code (DSC), the Unit Sub-Metering Code and the Gas Distribution Access Rule.

The EDA supports the proposed amendments as they will hold retailers accountable for consumer complaints that are correctly their responsibility. These amendments will remove the local distribution company (LDC) from any involvement in processing consumer complaints that exclusively engage the retailer. The EDA notes that it is important for entities to be held accountable and responsible for both their successes and their short comings. LDCs have fulfilled this essential component of corporate responsibility since incorporation and recognize that formalizing electricity retailers' responsibility to resolve consumers' complaints will enhance transparency for consumers.

Co-ordinating with the Energy Consumer Protection Act

The EDA notes that the proposed amendments to the Retailer CoC are subordinate to the Energy Consumer Protection Act 2010 (ECPA). It would be unfortunate if a consumer mistakenly complains to a retailer when they should have availed themselves of the protections of the ECPA. The OEB, or the entity that will ultimately be responsible for providing consumer protection, should anticipate this situation and identify a process so that consumers are appropriately protected. Until such a process is provided, the EDA proposes that only those matters that are clearly not within the jurisdiction of the ECPA be processed through the proposed consumer complaint resolution process. Electricity retailers must be

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objective and impartial as to whether the ECPA or the proposed s7.3 of the Electricity Retailer CoC is invoked.

Co-ordinating with Licences

The EDA reviewed both distribution licences and Electricity Retailer licences. It appears that sections 16 and 9 respectively are 'dated' as they do not align well with the amendments that were previously made to the DSC or with the amendments that are the subject of this consultation. The EDA recognizes that the priority is to provide consumer protection through an appropriate and transparent process and suggest that the licences be amended consistent with the outcome of this consultation.

If you have any questions or concerns with respect to this submission please do not hesitate to contact Kathi Farmer, the EDA's Senior Regulatory Affairs Advisor at kfarmer@eda-on.ca or at 905.265.533.

Sincerely

Original signed by

Teresa Sarkesian
President and Chief Executive Officer