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**NOTICE OF AMENDMENT TO A CODE**

**AMENDMENTS TO THE STANDARD SUPPLY SERVICE CODE**

**BOARD FILE NO: EB-2009-0092**

**To: All Licensed Electricity Distributors  
All Licensed Electricity Retailers  
All Participants in Consultation Process RP-2004-0205  
All Participants in Consultation Process EB-2009-0092  
All Other Interested Parties**

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The Ontario Energy Board (the "Board") is giving notice under section 70.2 of the *Ontario Energy Board Act, 1998* (the "Act") of amendments to the Standard Supply Service Code (the "SSS Code").

**I. Background**

On April 1, 2009 the Board released a Notice of Proposal to Amend a Code (the "April 1 Notice") in which it proposed to amend the SSS Code (the "Proposed Amendments") for the following purposes:

- i. to give effect to recent changes to Ontario Regulation 95/05 (Classes of Consumers and Determination of Rates) ("Regulation 95/05"); and
- ii. to address inconsistencies in the application of the seasonal change in the tier threshold for condominiums.

The Board received three sets of written comments from stakeholders, all of whom are associated with the electricity distribution sector.

The Board has considered all of the comments received and has determined that no changes need to be made to the Proposed Amendments. The text of the amendments to the SSS Code as adopted by the Board is set out in Attachment A to this Notice.

## **II. Comments on the Proposed Amendments**

### **A. Amendments Triggered by Changes to Regulation 95/05**

All three parties supported the Proposed Amendments. One party noted that costs may be incurred as a result of the amendments.

### **B. Seasonal Tier Threshold**

All three parties supported the Proposed Amendments.

One party suggested that the Board consider additional amendments to further clarify the application of the seasonal tier threshold to certain common areas of condominiums. The Board believes that the amendments provide sufficient guidance to distributors in how to charge residential and non-residential condominiums. However, if the issue raised by the stakeholder proves to be problematic, the Board may address that issue as part of a future code amendment.

Another party noted that it would incur noticeable costs and would require between 4 and 5 months to make the necessary changes to its billing system and customer support operations. The Board realizes that distributors may not currently know if a condominium is residential or non-residential and will therefore require time to ascertain the status of the condominiums in their service areas. The Board expects distributors to gather this information as quickly as possible. Once a distributor has ascertained that a condominium is a non-residential condominium, the Board expects the distributor to commence billing the consumer based on the non-residential tier threshold after its next scheduled meter reading date.

## **III. Anticipated Costs and Benefits**

### **A. Amendments Triggered by Changes to Regulation 95/05**

As noted in April 1 Notice, the amendments to the SSS Code are required to fill a gap created by, and to give effect to, Ontario Regulation 115/09 (i.e., Regulation 95/05 as amended). While distributors may incur some costs in relation to the amendment (i.e., costs for educating consumers during the extended period), it is not anticipated that these costs will be material.

### **B. Seasonal Tier Threshold**

Again, as stated in the April 1 Notice, the benefits of the amendments are that non-residential condominiums across the province will be treated in the same manner. The

amendments are also in accordance with the intent of the seasonal tier threshold provisions of the SSS Code which were meant to apply to residential consumers. Non-residential condominiums may face increased costs in the winter months because the tier threshold will be lower; however, these costs may be offset by lower costs in the summer months because the tier threshold will be higher. While some distributors may have to make some changes to their billing systems (or change the accounts for some of their customers) or incur some costs to re-canvass their customers to determine if the condominiums are residential or non-residential, it is not anticipated that these costs will be material.

Overall, the benefits of the amendments outweigh the costs.

#### **IV. Coming Into Force**

The amendments to the SSS Code come into force on the date on which they are published on the Board's website after having been made by the Board.

This Notice, the April 1 Notice, and the comments of interested parties are available for public viewing on the Board's website at [www.oeb.gov.on.ca](http://www.oeb.gov.on.ca) and at the office of the Board during normal business hours.

If you have any questions regarding the amendments to the SSS Code described in this Notice and set out in Attachment A, please contact Russ Houldin at 416-440-8112. The Board's toll free number is 1-888-632-6273.

**DATED** at Toronto, April 23, 2009.

ONTARIO ENERGY BOARD

*Original signed by*

Kirsten Walli  
Board Secretary

Attachments:

Attachment A: Amendments to the Standard Supply Service Code

## Attachment A

### Amendments to the Standard Supply Service Code EB-2009-0092

1. Section 1.2.1 of the Standard Supply Service Code is amended by adding "3.2.1A or" to the end of the definition of "electing spot consumer" between the word "section" and "3.2.2".
2. Section 1.6 of the Standard Supply Service Code is amended by adding the following immediately after section 1.6.2.
  - 1.6.3 The amendments to sections 1.2.1, 3.2.6, 3.3.2, 3.3.3 and 3.3.4 and the addition of sections 3.2.1A and 3.2.1B come into force on the date on which they are published on the Board's website after having been made by the Board.
3. Section 3 of the Standard Supply Service Code is amended by adding the following immediately after section 3.2.1:
  - 3.2.1A The commodity price for electricity payable by an electing spot consumer referred to in section 8(1)(a) of Ontario Regulation 95/05 (Classes of Consumers and Determination of Rates) that has a conventional meter shall be the weighted average hourly spot market price, for the period over which the electing spot consumer is being billed, determined in accordance with the Retail Settlement Code, with such adjustment as may be made by the IESO in accordance with the Electricity Act and the regulations.
  - 3.2.1BA distributor shall charge an electing spot consumer in accordance with section 3.2.1A only upon being requested to do so in writing by the electing spot consumer. In such a case, the distributor shall charge the electing spot consumer in accordance with section 3.2.1A for electricity consumed after an actual read of the electing spot consumer's meter by the distributor.
4. Section 3.2.6 of the Standard Supply Service Code is amended by deleting the "t" between the words "TOU" and "date" in the first sentence of the section.
5. Section 3.3.2(d) of the Standard Supply Service Code is amended by adding the words "subject to section 3.3.4," immediately before the words "the tier threshold" at the beginning of the section.

6. Section 3.3.3 of the Standard Supply Service Code is deleted and replaced with the following:

3.3.3 For the purposes of section 3.3.2(c), an RPP consumer referred to in section 3.3.4, other than a property defined in the *Condominium Act, 1998* that is comprised predominantly of units that are used for non-residential purposes, shall be deemed to fall within the residential class.

7. Section 3.3.4 of the Standard Supply Service Code is amended as follows:

- i. by deleting the reference to “the *Tenant Protection Act, 1997*” and replacing it with a reference to “the *Residential Tenancies Act, 2006*”; and
- ii. by adding the phrase "or 3.3.2(d)" immediately after the phrase "section 3.3.2(c)" in the second last sentence of the section.