

**Attachment B
To
Notice of Revised Proposal to Amend Codes**

October 1, 2009

EB-2007-0722

**Comparison Version of Revised Proposed Amendments
to the Distribution System Code, the Retail Settlement Code and the Standard
Supply Service Code regarding Customer Service to the Code amendments
proposed on March 10, 2009 (for information purposes only)**

Note: The text of the proposed amendments is set out in italics below, for ease of identification only.

Part I: Revised Proposed Amendments to the Distribution System Code

~~1. Section 1.2 of the Distribution System Code is amended by adding the following immediately after the definition of "Electrical Safety Authority":~~

~~— "eligible low income electricity customer" means a residential customer who qualifies for financial, payment management, debt payment or other similar assistance and whose qualification for such assistance by reason of need based on his or her income has been confirmed to the customer's distributor by a social service agency recognized by the Board for this purpose;~~

~~2. Section 1.7 of the Distribution System Code is amended by adding to the following immediately after end of the last paragraph "All of that section:~~

~~— The following amendments to this Code made by the Board on [insert date], come into force on the day that is 180 days after the date on which they are published on the Board's website after having been made by the Board:~~

- ~~i. the amendments to sections 1.2, 2.4.11, 2.4.17, 2.4.18, 4.2.2, 4.2.3 and 6.1.2; and~~
- ~~ii. the addition of sections 2.4.20A, 2.4.22A, 2.4.23A, 2.4.25A, 2.4.26A, 2.4.26B, 2.5, 2.6, 2_7, 4.2.2A to 4.2.2E, 4.2.3A, 4.2.3B and 7.10. Service Quality Requirements, comes into force on January 1, 2009" the following "with the exception of section 7.10", and by adding the following paragraph thereafter:~~

~~3. Section 2.4.11 of the Distribution System Code is amended as follows:~~

~~i. by adding the following immediately before the current paragraph (a):~~

~~(a) the customer is an eligible low income electricity customer that is receiving assistance from an energy bill payment assistance program, being a program recognized by the Board for this purpose that provides funding on an emergency basis to enable a residential consumer to pay his or her energy bills;~~
and

~~ii. by renumbering the current paragraphs (a) and (b) as paragraphs (b) and (c), respectively.~~

~~4. Section 2.4.~~

~~The following sections come into force on January 1, 2010: .~~

2. Section 2.4.10 of the Distribution System Code is amended by adding immediately after the words “a disconnect / collect trip has occurred” the phrase “or the distributor had to apply a security in accordance with section 2.4.26A and required the customer to repay the security deposit in accordance with section 2.4.26B”.

3. Section 2.4.17 of the Distribution System Code is amended by adding ~~the following~~ the phrase “, other than a residential electricity customer,” immediately after the phrase “Where a customer” ~~in the first line:”.~~

~~, other than an eligible low income electricity customer,~~

~~5.4. Section 2.4.18 of the Distribution System Code is deleted and replaced with the following:~~

~~“A distributor shall accept a security deposit from a residential customer in any of the following forms:~~

~~(a) cash;~~

~~(b) cheque;~~

~~(c) a guarantee provided by a third party that is acceptable to the distributor, based solely on a reasonable assessment of the third party’s ability to make payment under the guarantee; or~~

~~(d) such other form as is acceptable to the distributor.~~

- ~~6.~~ ~~Section 2.4.20~~ of the Distribution System Code is amended by replacing “installments” with “instalments” in the first sentence and by adding the following ~~immediately after section 2.4.20:~~new paragraph:

2.4.20A *Despite section 2.4.20, a distributor shall permit ~~an eligible low income electricity~~ a residential customer to provide a security deposit in equal instalments paid over a period of at least ~~12~~6 months, including where a new security deposit is required due to the distributor having applied the existing security deposit against amounts owing under section 2.4.26A.*

~~7.~~

5. Section 2.4.22 of the Distribution System Code is amended by adding the following ~~immediately after section 2.4.22:~~new paragraph:

2.4.22A *For the purposes of section 2.4.22, where a residential customer has paid a security deposit in instalments, a distributor shall conduct a review of the customer’s security deposit in the calendar year in which the anniversary of the first instalment occurs and thereafter as otherwise required by this Code.*

~~8.~~

6. Section 2.4.23 of the Distribution System Code is amended by adding the following ~~immediately after section 2.4.23:~~new paragraph:

2.4.23A *For the purposes of section 2.4.23, where a residential customer has paid a security deposit in instalments, the customer shall not be entitled to request a review of the security deposit until ~~one calendar year has elapsed from the date of payment of the final~~ 12 months after the first instalment. ~~— was paid.~~*

~~9.~~

7. Section 2.4.25 of the Distribution System Code is amended by adding the following ~~immediately after section 2.4.25:~~new paragraph:

~~2.4.25A~~ *Despite section 2.4.25:*

~~(a) —, where a residential customer has paid a security deposit in instalments and is entitled to the return of all or part of the security deposit, a distributor shall return the amount in equal instalments paid over the same number of months as the security deposit was paid by the customer; and~~

~~(b)~~ ~~where an eligible low income~~ electricity customer is required to adjust the security deposit upwards, a distributor shall permit the customer to pay the adjustment amount in equal instalments paid over a period of at least ~~12~~6 months.

~~10.8.~~ Section 2.4.26 of the Distribution System Code is amended by adding the following ~~immediately after section 2.4.26~~ new paragraphs:

2.4.26A A distributor shall not issue a disconnection notice to a residential customer for non-payment unless the distributor has first applied any security deposit held on account for the customer against any amounts owing at that time and the security deposit was insufficient to cover the total amount owing.

2.4.26B Where a distributor applies all or part of a security deposit to offset amounts owing by a residential customer under section 2.4.26A, the distributor may request that the customer repay the amount of the security deposit that was so applied. ~~Where the customer is an eligible low income electricity customer, the~~ The distributor shall permit the ~~allow the residential~~ customer to repay the security deposit in ~~equal instalments paid over a period of at least 12 months.~~ in accordance with section 2.4.20A.

~~11.~~
9. Section 2 of the Distribution System Code is amended by adding the following ~~immediately after section 2.4.36:~~ new heading and paragraphs:

2.6 **Bill Issuance and Payment**

~~2.56.1~~ A distributor shall include on each bill issued to a customer the date on which the bill is printed ~~by the distributor.~~

2.6.2 ~~2.5.2~~ Except as otherwise permitted by this Code, a distributor shall not treat a bill issued to a customer as unpaid, and shall not impose any late payment or other charges associated with non-payment, until the applicable minimum payment period set out in section ~~2.56.3~~ has elapsed.

~~2.56.3~~ For the purposes of section ~~2.56.2~~, the minimum payment period shall be:

~~(a)~~ ~~21 days from the date on which the bill was issued to the customer, in the case of an eligible low income electricity customer; and~~

~~(b)~~ _____ 16 days from the date on which the bill was issued to the customer, ~~in all other cases.~~

_____ A distributor may provide for longer minimum payment periods, provided that any such longer minimum payment periods are documented in the distributor's Conditions of Service.

2.56.4 ~~-~~For the purposes of section 2.56.3, a bill will be deemed to have been issued to a customer:

- (a) if sent by mail, on the third day after the date on which the bill was printed by the distributor;
- (b) if made available over the internet, on the date on which an e-mail is sent to the customer notifying the customer that the bill is available for viewing over the internet;
- (c) if sent by e-mail, on the date on which the e-mail is sent; or
- (d) if sent by more than one of the methods listed in paragraphs (a) to (c), on whichever date of deemed issuance occurs last.

2.56.5 A distributor shall apply the following rules for purposes of determining the date on which payment of a bill has been received from a customer:

- (a) if paid by mail, ~~on three days prior to the date that on which the envelope is post-marked or distributor receives the date of the cheque provided by the customer, whichever is the later~~ payment; or
- (b) if paid at a financial institution or electronically, on the date on which the payment is acknowledged or recorded by the customer's financial institution.

2.6.6 Where a distributor has issued a disconnection notice to a residential customer for non-payment, the distributor shall permit the customer to pay all amounts that are then overdue for payment by credit card issued by a financial institution.

2.6.7 Where a bill issued to a residential customer includes charges for goods or services other than electricity charges, a distributor shall allocate any payment made by the customer first to the electricity charges and then, if funds are remaining, to the charges for other goods or services.

2.6.7.1 Section 2.6.7 does not apply to existing joint billing agreements until the renewal date of such agreements or 2 years, whichever comes earlier, and thereafter the provisions of section 2.6.7 will be deemed applicable.

2.6.7.2 Where payment on account of a bill referred to in section 2.6.7 or 2.6.7.1 is sufficient to cover electricity charges, the distributor shall not impose late payment charges, issue a disconnection notice or disconnect electricity supply.

2.6.7.3 For the purposes of this section, “electricity charges” are:

- (a) ~~(a)~~ — charges that appear under the sub-headings “Electricity”, “Delivery”, “Regulatory Charges” and “Debt Retirement Charge” as described in Ontario Regulation 275/04 (Information on Invoices to Low-volume Consumers of Electricity) made under the Act, and all applicable taxes on those charges;
- (b) ~~(b)~~ — where applicable, charges labeled “Provincial Benefit” as described in Ontario Regulation 429/04 (Adjustments Under Section 25.33 of the Act) made under the Electricity Act and all applicable taxes on those charges; and
- (c) ~~(c)~~ — Board-approved late payment fees, specific service charges and such other charges and applicable taxes associated with the consumption of electricity as may be required by law to be included on the bill issued to the customer or as may be designated by the Board for the purposes of this section. ~~but not including security deposits.~~

~~2.5.6.8~~ For the purposes of ~~this~~ section ~~2.56~~, a distributor shall apply the following rules relating to the computation of time:

- (a) ~~(a)~~ — where there is reference to a number of days between two events, the days shall be counted by excluding the day on which the first event happens and including the day on which the second event happens;
- (b) ~~(b)~~ — where the time for doing an act expires on a day that is not a business day, the act may be done on the next day that is a business day;

- (c) ~~(e)~~ where an act, other than payment by a customer, occurs on a day that is not a business day, it shall be deemed to have occurred on the next business day; ~~and~~
- (d) ~~(d)~~ where an act, other than payment by a customer, occurs after 5:00 p.m., it shall be deemed to have occurred on the next business day; ~~and~~
- (e) ~~receipt of a payment by a customer is effective on the date that the payment is made, including payments made after 5:00 p.m.~~

For the purposes of this section, a “business day” is any day other than a Saturday or a holiday as defined in section 88 of the Legislation Act, 2006.

~~2.6~~ Management of Customer Arrears

~~2.6~~

10. Section 2 of the Distribution System Code is amended by adding the following new heading and paragraphs:

2.7 Arrears Management Programs

- 2.7.1 A distributor shall make ~~an arrears management program~~ available to ~~eligible low income electricity customers. The arrears management program shall include, at a minimum, an opportunity for the eligible low income~~ any residential electricity customer who is unable to pay his or her outstanding electricity charges, as defined in section 2.6.7.3, the opportunity to enter into an arrears payment agreement with the distributor. The arrears payment agreement shall include, at a minimum, the terms and conditions specified below.

- 2.6.7.1.1 Before entering into an arrears payment agreement under section 2.7, a distributor shall apply any security deposit held on account of the customer against any electricity charges owing at the time

- 2.7.1.2 As part of the arrears payment agreement, a distributor may require that the customer pay a down payment of up to 15% of the electricity charge arrears accumulated, inclusive of any applicable late payment charges but excluding other service charges, when entering into the arrears management program.

- 2.7.2 The arrears payment agreement referred to in section 2.6.7.1 shall allow the ~~eligible low income~~ residential electricity customer to pay all

~~amounts~~ remaining electricity charges that are then overdue for payment, after applying the down payment referred to in section 2.7.1.1, including ~~any late payment and other charges associated with non-payment~~ all electricity-related service charges that have accrued to the date of the agreement, over the following periods:

- (a) ~~_____ (a) _____~~ a period of at least ~~150 days~~ 5 months, where the total amount of the electricity charges remaining overdue for payment is less than twice the customer's average monthly billing amount; or
- (b) ~~_____ (b) _____~~ a period of at least ~~300 days~~ 10 months, where the total amount of the electricity charges remaining overdue for payment is equal to or exceeds twice the customer's average monthly billing amount.

2.6.7.3

For the purposes of section 2.6.7.2, the customer's average monthly billing amount shall be calculated by taking the aggregate of the total electricity charges billed to the customer in the preceding 12 months and dividing that value by 12. If the customer has been a customer of the distributor for less than 12 months, the customer's average monthly billing amount shall be based on a reasonable estimate made by the distributor. For the purposes of this section, "electricity charges" has the same meaning as in section 2.56.7.3.

~~2.6.4 A distributor shall not impose any late payment or other charges associated with non-payment in respect of any amount that is, at the relevant time, the subject of an arrears payment agreement that is in effect with an eligible low income electricity customer except to the extent that the customer has failed to make a payment in accordance with the terms of the~~ 2.7.4 Where a customer defaults on more than one occasion in making a payment in accordance with an arrears payment agreement or on account of a current electricity charge billing, the distributor may cancel the arrears payment agreement.

~~2.7 Management of Customer Accounts~~ 2.7.4.1 If the distributor cancels an arrears payment agreement pursuant to section 2.7.4, the distributor will give written notice of cancellation to the customer and to any third party designated by the customer under section 4.2.2.2 at least 10 days before the effective date of the cancellation.

2.7.4.2 If the customer makes payment of all amounts due pursuant to the arrears payment agreement as of the cancellation date referred to in section 2.7.4.1 and makes such payment on or before the cancellation date, the distributor shall reinstate the arrears payment agreement.

11. Section 2 of the Distribution System Code is amended by adding the following heading and paragraphs:

2.8 Opening and Closing of Accounts

2.8.1 *Where a distributor opens an account for a property in the name of a person at the request of a third party, the distributor shall within 15 days of the opening of the account send a letter to the person advising of the opening of the account, ~~and requesting that the person agrees to be the named customer.~~ If the distributor does not receive confirmation from the intended customer, within 15 days of the date of the letter, the distributor shall advise the third party that the account will not be set up as requested.*

~~2.7.~~2.8.1.1 *The distributor is not required to send a letter advising of the opening of the account where the request to open the account is made in writing by the person's solicitor or person in possession of a valid Power of Attorney for the person.*

2.8.2 *Despite any other provision of this Code, with the exception of the parties mentioned in section 2.8.1.1, where a distributor has opened an account for a property in the name of a person at the request of a third party, the distributor shall not seek to recover from that person any charges for service provided to the property unless the person has agreed in writing to being the customer of the distributor in relation to the property.*

~~2.7.~~2.8.3 *Despite any other provision of this Code, with the exception of the parties mentioned in section 2.8.1.1, where a distributor ~~closes~~ receives a request to close or transfer an account in relation to a rental unit in a residential complex as defined in the Residential Tenancies Act, 2006 or another residential property, the distributor shall not seek to recover any charges for service provided to that rental unit or residential property after closure of the account from any person, including the landlord for the residential complex or a new owner of the residential property, unless the person has agreed in writing to assume responsibility for those charges.*

2.8.4 For the purposes of section 2.8, the requirement for agreement in writing includes agreements in electronic form in accordance with the Electronic Commerce Act, 2000.

12. ~~Section~~ Sections 4.2.22 and 4.2.3 of the Distribution System Code ~~is~~are deleted and replaced with the following: paragraphs:

4.2.2_ A distributor that intends to disconnect, pursuant to section 31 of the Electricity Act, 1998, the property of a residential customer for non-payment shall send or deliver a disconnection notice to the customer that contains, at a minimum, the following information:

~~(a)~~

(a) the amount that is then overdue for payment, including all applicable late payment and other charges associated with non-payment;

(b)

~~(b)~~ the earliest and latest dates on which disconnection may occur;

(c)

~~(c)~~ the amount of any reconnection charge that may apply if disconnection occurs including, where more than one reconnection charge has been approved by the Board, the circumstances in which each charge is payable;

(d)

~~(d)~~ any action that the customer may take to avoid disconnection and the deadline for taking such action;

~~(e)~~

~~that an arrears management program may be available to the customer, and a description of the arrears management programs offered by the distributor;~~

~~(f)~~

~~telephone numbers, addresses and other available contact information for all local social service agencies and local energy assistance charities;~~

~~(g)~~

~~a description of the process for qualifying for assistance that is available to low income electricity customers;~~

(e)

~~(h)~~ ~~whether~~ if a local Vital Services By-law is in effect that applies to the customer's property ~~and, if so,~~ whether the distributor has provided the required notification to the municipality;

~~(i) the telephone numbers, addresses and other available contact information to use to contact the distributor for more information about bill payment, disconnection and the distributor's arrears management programs; and~~

(f) ~~(i)~~ that a Board-prescribed arrears management program is available to all residential customers, and that other voluntary bill payment, disconnection and financial assistance may be available, and contact information for the distributor where the customer can obtain further information about available financial assistance; and

(g) the date on which the disconnection notice was printed by the distributor.

~~4.2.2A.1~~ A distributor that sends or delivers to a customer a disconnection notice ~~to a customer~~, pursuant to section 31(2) of the Electricity Act, 1998, for non-payment shall not include that notice in the same envelope as a bill or any other documentation emanating ~~with~~from the distributor.

~~4.2.2B.2~~ A distributor shall, at ~~the~~the written request of a residential customer, send a copy of any disconnection notice issued to the customer for non-payment to a third party designated by the customer for that purpose provided that the request is made no later than the last day of the applicable minimum notice period set out in section 4.2.3.- In such a case:

(a) ~~(a)~~ the distributor shall also notify the third party that the third party is not, unless otherwise agreed with the distributor, responsible for the payment of any charges for the provision of electricity service in relation to the customer's property; and

~~(b) the distributor shall not disconnect the property of the customer until such time as the third party has received the disconnection notice; and~~

(b) ~~(c)~~ the rules set out in sections 2.56.4 and 2.5.6.8 shall apply, with such modifications as the context may require, for the purposes of determining the date of receipt of the disconnection notice by the third party.

~~4.2.2G.3~~ A disconnection notice issued for non-payment shall expire on the date that is 11 days from the last day of the applicable minimum notice period referred to in section 4.2.3, determined in accordance with the rules set out in section 2.56.8.- A distributor may not thereafter disconnect the

property of the customer for non-payment unless the distributor issues a new disconnection notice in accordance with section 4.2.2.

~~4.2.2D.4~~ A distributor shall make reasonable efforts to contact, in person or by telephone, a customer to whom the distributor has issued a disconnection notice for non-payment prior to the earliest date on which disconnection for non-payment may occur as set out in the disconnection notice.

~~4.2.2E.5~~ Where a distributor issues a disconnection notice for non-payment in respect of the disconnection of a multi-unit, master-metered building, the distributor shall post a copy of the disconnection notice in a conspicuous place on or in the building promptly after issuance of the notice.

4.2.2.6 ~~13. Section 4.2.3 of the Distribution System Code is deleted and replaced with the following:~~ A distributor shall suspend any disconnection action for a period of 21 days from the date of notification by a registered charity, government agency or social service agency that it is assessing a residential customer for the purposes of determining whether the customer is eligible to receive bill payment assistance, provided such notification is made within 14 days from the date on which the disconnection notice is received by the customer. Where a residential customer had requested prior to the issuance of the disconnection notice that the distributor also provide a copy of any disconnection notice to a third party, the distributor shall suspend any disconnection action for a period of 21 days from the date of notification by the third party that he, she or it is attempting to arrange assistance with the bill payment, provided such notification is made within 14 days from the date on which the disconnection notice is received by the customer.

4.2.2.7 Despite section 4.2.2.6, upon notification by a registered charity, government agency or social service agency that a customer is not eligible to receive bill payment assistance, or if another third party who was considering the provision of bill assistance decides not to proceed, the distributor may disconnect the customer in accordance with sections 4.2.2.3 and 4.2.3.

4.2.3 A distributor shall not disconnect a customer for non-payment until the ~~applicable~~ following minimum notice ~~period set out in section 4.2.3A~~ has periods have elapsed.

~~4.2.3A For the purposes of section 4.2.3, the minimum notice period shall be:~~

~~(a)~~ (a) 60 days from the date on which the disconnection notice is received by the customer, in the case of a residential customer

that has provided the distributor with documentation from a physician confirming that disconnection poses a risk of significant adverse effects on the physical health of the customer or on the physical health of the customer's spouse or dependent family member who resides with the customer;

~~(b)~~ ~~_____ (b) _____ 21~~¹⁴ days from the date on which the disconnection notice is received by ~~the customer, in the case of an eligible low income electricity customer or~~ a residential customer ~~that has requested that the distributor provide a third party with a copy of the disconnection notice as set out in section 4.2.2B; or~~

~~(c)~~ ~~_____ (c) _____~~ 10 days from the date on which the disconnection notice is received by the customer, in all other cases.

~~4.2.3B.1~~ ¹ For the purposes of section 4.2.3A:

~~(a)~~ ~~_____ (a) _____~~ where a disconnection notice is sent by mail, the disconnection notice shall be deemed to have been received by the customer on the third business day after the date on which the notice was printed by the distributor;

~~(b)~~ ~~_____ (b) _____~~ where a disconnection notice is delivered by personal service, the disconnection notice shall be deemed to have been received by the customer on the date of delivery;

~~(c)~~ ~~_____ (c) _____~~ where a disconnection notice is delivered by being posted on the customer's property, the disconnection notice shall be deemed to have been received by the customer on the date of such posting;

~~(d)~~ ~~_____ (d) _____~~ "spouse" has the meaning given to it in section 29 of the Family Law Act;

~~(e)~~ ~~_____ (e) _____~~ "dependent family member" means a "dependent" as defined in section 29 of the Family Law Act and also includes a grandparent who, based on need, is financially dependent on the customer; and

~~(f)~~ ~~_____ (f) _____~~ the distributor shall apply the rules relating to the computation of time set out in section 2.5~~6~~⁸.

13. Section 6.1.2 of the Distribution System Code is amended by adding the following ~~to the end of that section:~~new paragraphs:

6.1.2.1 ~~Nothing in this section 6.1.2 shall be construed as permitting a distributor to recover or to seek to recover charges for a service provided to a property from any person other than a person that has agreed in writing to being the customer of the distributor in relation to the property or that has agreed in writing to assume responsibility for those charges.~~

~~15.~~6.1.2.2 ~~For the purposes of section 6.1.2.1, the requirement for agreement in writing includes agreements in electronic form in accordance with the Electronic Commerce Act, 2000.~~

6.1.2.3 ~~Section 6.1.2.1 applies to all agreements entered into after the effective date of these amendments and it not intended to void or cancel any binding agreements for service existing as of the effective date of these amendments.~~

14. Section 7 of the Distribution System Code is amended by adding the following ~~immediately after section 7.9.4:~~heading and paragraphs:

7.10_ Reconnection Standards

~~7.10.1~~ ~~Where a distributor has disconnected the property of a customer for non-payment, the distributor shall reconnect the property within ~~two~~ 2 business days, as defined in section 2.56.8, of the date on which the customer:~~

~~(a)~~ ~~(a)~~ ~~makes payment in full of the amount overdue for payment as specified in the disconnection notice; or~~

~~(b)~~ ~~(b)~~ ~~enters into an arrears payment agreement with the distributor referred to in section 2.67.4.~~

~~7.10.2~~ ~~This service quality requirement must be met at least 85 percent of the time on a yearly basis.~~

Part II: Revised Proposed Amendments to the Retail Settlement Code

1. Section 1.~~7~~2 of the Retail Settlement Code is amended ~~by adding~~to add the following ~~at the end of that section:~~definition:

~~Section 7.2.3 and the amendments to section 7.7, made by the Board on [insert date], come into force on the day that is 180 days after the date on which they are published on the Board's website after having been made by the Board~~

"customer" means a person that has contracted for or intends to contract for connection of a building or an embedded generation facility. This includes developers of residential or commercial subdivisions.

2. Section ~~1.7.2~~ of the Retail Settlement Code is amended by adding the following ~~immediately after section 7.2.2:~~sentence at the end of the section:

~~7.2.3 Equal Billing~~

The amendment to section 7.7 comes into force on January 1, 2010. Section 7.2.5 comes into force on July 1, 2010.

3. Section 7.2 of the Retail Settlement Code is amended by adding the following new heading and section 7.2.5:

7.2.5 Equal Payment Plans

A distributor that provides distributor-consolidated billing for a residential ~~consumer~~customer shall bill the ~~consumer~~customer on the basis of an equal ~~billing~~monthly payment plan if so requested by the ~~consumer~~customer or the retailer. ~~The equal billing~~monthly payment plan shall comply with the requirements set out in the Standard Supply Service Code.

~~_____~~ If a distributor offers an equal payment or billing plan to a class of non-residential ~~consumers~~customers the distributor shall, when providing distributor-consolidated billing for a non-residential ~~consumer~~customer within that class, bill the non-residential ~~consumer~~customer on the basis of that equal payment or billing plan if so requested by the ~~consumer~~customer or retailer.

~~3.~~

4. Section 7.7 of the Retail Settlement Code is ~~amended as follows:~~

~~i. _____ by adding~~ deleted and replaced with the following ~~to the end of the first sentence of the first paragraph:~~

~~_____ in accordance with~~ new sections ~~7.7.1 and 7.7.2 where applicable:~~

~~_____ ii. _____ by replacing the word "credit" in the first and second sentences of the first paragraph with the word "repay";~~ The following rules apply to billing

errors in respect of which Measurement Canada has not become involved in the dispute:

- ~~iii. by replacing the word “credited” in the third sentence of the first paragraph with the word “repaid”;~~
- ~~iv. by adding the following to the end of the first sentence of the second paragraph:
in accordance with sections 7.7.3, 7.7.4 and 7.7.6 where applicable~~
- ~~v. by deleting the second and third sentences of the second paragraph and replacing them with the following:

In the case of a residential consumer who is not responsible for the error, the allowable period of time for which the consumer may be charged is 12 months. In the case of a non-residential consumer who is not responsible for the error, the allowable period of time for which the consumer may be charged is six years. In the case of any consumer who is responsible for the error, whether by way of tampering, willful damage, unauthorized energy use or otherwise, the allowable period of time for which the consumer may be charged is the duration of the error. A distributor may charge interest on under-billed amounts only where the consumer was responsible for the error, whether by way of tampering, willful damage, unauthorized energy use or otherwise. Such interest shall be equal to the prime rate charged by the distributor’s bank.~~
- ~~and~~
- ~~vi. by adding the following immediately after the third paragraph:~~

~~7.7.1 Where the amount by which a distributor has over-billed a consumer is equal to or exceeds the consumer’s~~

7.7.1 Where a distributor has over billed a customer or retailer by an amount that is equal or exceeds the customer’s or retailer’s average monthly billing amount, determined in accordance with section 7.7.5, the distributor shall, within 10 days of discovery of the error, notify the customer or retailer of the over billing and advise that the customer or retailer may elect to have the full amount credited to their account or repaid in full by cheque, within 11 days of requesting payment by cheque. Where the customer or retailer has not requested payment by cheque within 10 days of notification of the error by the distributor, the distributor may credit the full amount to the account.

7.7.2 Where a distributor has over billed a customer or retailer by an amount that is less than the customer’s or retailer’s average monthly billing amount, determined in accordance with section 7.7.5, the

distributor shall ~~repay the full amount by cheque within 21 days of discovery of the error.~~

~~7.7.2 Where the amount by which a distributor has over-billed a consumer is less than the consumer's average monthly billing amount, determined in accordance with section 7.7.5:~~

~~(a) in the case of an eligible low income electricity consumer, the distributor shall promptly notify the eligible low income electricity consumer of the over-billed amount, and shall repay the full amount by cheque within 21 days of discovery of the error if the eligible low income electricity consumer so requests; or~~

~~(b) in all other cases, the distributor shall repay the full amount by cheque within 21 days of discovery of the error or by credit on the account in the next regularly scheduled bill issued to consumer, as the distributor may elect. the customer or retailer.~~

~~7.7.3 If there are outstanding arrears on the customer's or retailer's account, the distributor is not required to repay the over-billed amount but may apply it to the arrears on the customer's or retailer's account and credit or repay to the customer or retailer the remaining balance.~~

7.7.4 Where a distributor has under-billed a ~~consumer~~customer who is not responsible for the error ~~by an amount that is equal to or exceeds the consumer's average monthly billing amount, determined in accordance with section 7.7.5,~~ the distributor shall allow the ~~consumer~~customer to pay the under-billed amount in equal instalments over a period at least equal to the duration of the billing error.

~~7.7.4 Where a distributor has under-billed a consumer who is not responsible for the error by an amount that is less than the consumer's average monthly billing amount, determined in accordance with section 7.7.5:~~

~~(a) in the case of an eligible low income electricity consumer, the distributor shall promptly notify the eligible low income electricity consumer of the under-billed amount and shall allow the eligible low income electricity consumer to pay the under-billed amount in equal instalments over a period at least equal to the duration of the billing error if the eligible low income electricity consumer so requests; or~~

~~(b) in all other cases, the distributor may require payment of the full under-billed amount by means of a corresponding charge on the next regularly scheduled bill issued to the consumer.~~

7.7.5 For the purposes of sections 7.7.1 ~~to 7.7.4, a consumer's~~ and 7.7.2, the customer's or retailer's average monthly billing amount shall be calculated by taking the aggregate of the total electricity charges billed to the ~~consumer~~customer or retailer in the preceding 12 months and dividing that value by 12.- If the ~~consumer~~customer has been receiving service from a ~~consumer~~distributor for less than 12 months, the ~~consumer's~~customer's average monthly billing amount shall be based on a reasonable estimate made by the distributor. For the purposes of this section, "electricity charges" has the same meaning as in section 2.5.7 ~~of the Distribution System Code.~~

~~7.7.6 For the purposes of sections 7.7.2 and 7.7.4, an "eligible low income electricity consumer" is a residential consumer who qualifies for financial, payment management, debt payment or other similar assistance and whose qualification for such assistance by reason of need based on his or her income has been confirmed to the consumer's distributor by a social service agency recognized by the Board for this purpose.~~

~~7.7.7 Where a distributor has under billed a consumer who is responsible for the error, whether by way of tampering, willful damage, unauthorized energy use or otherwise, the distributor may require payment of the full under-billed amount by means of a corresponding charge on the next regularly scheduled bill issued to the consumer~~3 of the Distribution System Code.

7.7.6 Where a distributor has under billed a customer or retailer who is responsible for the error, whether by way of tampering, willful damage, unauthorized energy use or other unlawful actions, the distributor may require payment of the full under-billed amount by means of a corresponding charge on the next regularly scheduled bill issued to the customer or retailer.

7.7.7 Where the distributor has under billed a customer or retailer, the maximum period of under billing for which the distributor is entitled to be paid is 2 years. Where the distributor has over billed a customer or retailer, the maximum period of over billing for which the customer or retailer is entitled to be repaid is 2 years.

7.7.8 A distributor may charge interest on under-billed amounts only where the customer or retailer was responsible for the error, whether by way of tampering,

willful damage, unauthorized energy use or other unlawful actions. Such interest shall be equal to the prime rate charged by the distributor's bank.

7.7.9 A distributor that has over billed a customer or retailer and the billing error is not the result of a distributor's standard documented billing practices, shall pay interest on the amount credited or repaid to the customer or retailer equal to the prime rate charged by the distributor's bank.

7.7.10 The entity billing a customer, whether it is a distributor or retailer, is responsible for advising the customer of any meter error and of his, her or its rights and obligations under the Electricity and Gas Inspection Act (Canada). The billing party is also responsible for subsequently settling actual payment differences with the customer as described above.

7.7.11 The provisions of section 7.7 do not apply where the distributor has over billed or under billed a customer or retailer but issues a corrected bill prior to the due date of the original erroneous bill.

Part III: ~~Revised~~ Proposed Amendments to the Standard Supply Service Code

1. ~~Section 1.6 of the Standard Supply Service Code is amended by adding the following immediately after section 1.6.1:~~

1.6.24 ~~The amendments to section 2.6.2 and the addition of section 2.6.2A, made by the Board on [insert date], come~~comes ~~into force on the day that is 180 days after the date on which they are published on the Board's website after having been made by the Board.~~July 1, 2010.

2. ~~Section 2.6.2 of the Standard Supply Service Code is deleted and replaced with the following:~~

2.6.2 ~~A distributor shall offer an equal billing monthly payment plan option to all standard supply service residential customers that fall within the residential class. receiving standard supply service. The equal billing monthly payment plan option shall meet the following minimum requirements:~~

~~(a) — (a) — a distributor may only refuse to provide an equal billing monthly payment plan option to a customer that is in arrears on payment to the distributor for electricity charges, as defined in section 2.5.7 of the Distribution System Code, and that has not entered into an~~

~~arrears payment agreement with the distributor as referred to in section 2.6.1 of the Distribution System Code, and that has not entered into an arrears payment agreement with the distributor as referred to in the Distribution System Code;~~

(b) ~~— (b) —~~ a distributor may require a residential customer on an equal monthly payment plan to agree to pre-authorized automatic monthly payment withdrawals from the customer's account with a financial institution if the billing cycle of the distributor is less than monthly;

(c) ~~despite any other provision of this Code or of any other code issued by the Board, the equal billing payment plan option offered to an eligible low income a residential electricity customer shall provide for the customer to be billed make equalized payments on a monthly basis and shall make provision for the customer to select either off from at least two dates within the month on which payment under a the monthly bill equalized payment is due; and the pre-authorized payment is withdrawn from the customer's bank account;~~

~~— (c) —~~ (d) a distributor may issue its bill to a residential customer on a monthly equal payment plan on a monthly, bi-monthly or quarterly basis;

(e) ~~subject to paragraph (d)f), the equal billing monthly payment plan shall provide for annual reconciliation in the twelfth month of the plan as follows:~~

~~i. subject to paragraph (ii), where the reconciliation demonstrates that funds are owing to the customer, the full amount shall be credited to the customer's account on the bill issued for the twelfth month of the plan;~~

~~ii. for an eligible low income electricity customer, where the reconciliation demonstrates that funds are owing to the customer in an amount that is equal to or exceeds the customer's average monthly billing amount, determined in accordance with section 2.6.2A, the distributor shall promptly notify the customer of the amount owing and shall pay the full amount by cheque by the 21st day of the twelfth month if the customer so requests;~~

~~iii. for a customer other than an eligible low income electricity customer, where the reconciliation demonstrates that funds are owing by the customer, the full amount shall be collected by means of a corresponding charge on the bill issued for the twelfth month of the plan; and~~

~~iv. for an eligible low income electricity customer, where the reconciliation demonstrates that funds are owing by the customer, the full amount shall be payable by the customer in equal instalments over the first eleven months of the next year of the plan; and~~

~~(d) while a customer may join an equal monthly payment plan at any time during the calendar year, the distributor is only required to reconcile all of its equal monthly payment plans once during the calendar year and not on the 12th month anniversary since each individual customer joined the plan;~~

ii) in the first year of an equal monthly payment plan and where the customer has been on the plan for less than 12 months, the customer may receive a reconciliation earlier than the 12th month anniversary, as a result of subsection i);

iii) while a distributor is only required to reconcile equal monthly payment plans on an annual basis, a distributor shall review its equal monthly payment plans quarterly or semi-annually and adjust the equal monthly payment amounts in the event of material changes in a customer's consumption;

iv) where the annual reconciliation demonstrates that funds are owing to the customer in an amount that is less than the customer's average monthly billing amount, the distributor shall credit the amount to the customer's account;

v) where the annual reconciliation demonstrates that funds are owing to the customer in an amount that is equal to or exceeds the customer's average monthly billing, the distributor shall credit the amount to the customer's account and advise the customer that the customer may contact the distributor within 10 days of the date of bill to request refund of the overpayment by cheque instead and that the distributor shall make payment within 11 days of the customer's request;

vi) where the annual reconciliation demonstrates that funds are owing by the customer in an amount that is less than the customer's average monthly billing, the distributor may collect the full amount owed by a corresponding charge on

the bill issued to the customer in the 12th month of the equal monthly payment plan; and

vii) where the annual reconciliation demonstrates that funds are owing by the customer in an amount that is equal to or exceeds the customer's average monthly billing, the distributor shall roll over the balance due to the following year's equal monthly payment plan and recover the balance over the first 11 months of the following year's equal monthly payment plan; and

(f) where a customer leaves the equal ~~billing~~ monthly payment plan for any reason, the distributor shall conduct a reconciliation and shall include any funds owing by or to the customer as a charge or credit on the next regularly scheduled bill issued to the customer.—

2.6.2A For the purposes of section 2.6.2:

~~(a) an “eligible low income electricity customer” is a residential customer who qualifies for financial, payment management, debt payment or other similar assistance and whose qualification for such assistance by reason of need based on his or her income has been confirmed to the customer’s distributor by a social service agency recognized by the Board for this purpose; and~~

~~(a) (b) a customer’s annual~~ average monthly billing amount shall be calculated by taking the aggregate of the total electricity charges billed to the customer in the preceding 12 months and dividing that value by 12.- If the customer has been receiving service from a customer of the distributor for less than 12 months, the customer’s average monthly billing amount shall be based on a reasonable estimate made by the distributor.- For the purposes of this section, “electricity charges” has the same meaning as in section 2.56.7.3 of the Distribution System Code.; and

(b) where a residential customer requests equal payment, the equalized monthly payment amount shall include all “electricity charges” as defined in section 2.6.7.3 of the Distribution System Code.