



October 14, 2009

Kirsten Walli  
Board Secretary  
Ontario Energy Board  
PO Box 2319  
2300 Yonge St  
Suite 2700  
Toronto, ON. M4P 1E4

Dear Ms. Walli

**Re: Proposed amendments to the Natural Gas Reporting and Record Keeping Requirements: Gas Marketer Licence Requirements, EB-2009-0163**

Direct Energy (DE) welcomes the opportunity to provide the Ontario Energy Board (OEB) with its comments on the proposed amendments to the Natural Gas Reporting and Record Keeping Requirements: Gas Marketer Licence Requirements (RRR – Gas Marketer). DE supports the OEB's effort to monitor developments in the retail markets. DE would like to assist the OEB in further clarifying the proposed amendments to the RRR – Gas Marketer by making the following comments and recommendations.

Overall, DE supports the OEB's proposed amendments to the RRR – Gas Marketer to make the current voluntary reporting information by marketers mandatory.

To the extent that the information was provided in support of the Consumer Issues reporting, DE would respectfully reiterate its concerns about the current framework utilized by the OEB to publicly report consumer issues received in relation to the activities of gas marketers. As outlined in previous submissions, DE does not believe that the reporting necessarily provides a fair and accurate representation of marketplace activity. The current method of public reporting of consumer issues received by the OEB is based solely on sales activity (that is, new and renewed contracts). It does not however take into consideration the marketer's overall customer base. As the OEB is no doubt aware, DE has a substantial customer base and customer complaints can arise at any time during the customer's lifecycle. While many complaints do occur as a result of a recent enrolment or renewal, this is certainly not always the case. DE therefore submits that this methodology likely has the negative effect of overstating consumer issues for marketers with a larger customer base.

In addition, as also outlined in previous submissions, the lack of any market or seasonal context to the data is also potentially misleading. Currently the methodology employed by the OEB is to report on customer 'issues'. These issues, in most cases, do not represent any breach of regulatory requirements by the marketer in question. While the customer may have a valid question about their contract or renewal process, the issue may relate more closely to recent

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changes in utility pricing than anything the marketer may have done. In addition, market events such as Government announcements also drive customer questions and issues. Providing some market related information in conjunction with the issues reporting would therefore help place the consumer issues in context and add greater clarity to possible causal factors.

Finally, DE believes it is appropriate for the OEB to extend confidential treatment to the information that is now being made mandatory under the RRR – Gas Marketer and that it be afforded all the same protections as other commercially sensitive data. By ensuring confidentiality, the OEB will be able to achieve the objective of monitoring developments in the retail market while protecting commercially sensitive data for individual marketers.

DE would like to thank the OEB for the opportunity to comment on the proposed amendments to the RRR – Gas Marketer.

Yours sincerely

A handwritten signature in black ink that reads "Chantelle Bramley". The signature is written in a cursive, flowing style.

Chantelle Bramley  
Senior Director  
Government & Regulatory Affairs  
Direct Energy Marketing Limited