

October 6, 2010

**To: Kirsten Walli  
Board Secretary**

**From: Ontario EBT Standards Working Group for Retail Settlement  
GDAR EBT Standards Working Group**

**Re: Implementation of Consumer Protection (Retailer/Marketer) Provisions of the *Energy Consumer Protection Act, 2010* (EB-2010-0245)**

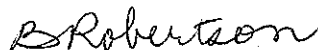
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On August 4, 2010, the Board issued a letter advising of the consultation process it intended to initiate to align its existing regulatory instruments with the *Energy Consumer Protection Act, 2010* (the "ECPA") and develop additional regulatory requirements. On August 12, 2010, the Board issued for comment proposed revisions to its regulatory instruments. In both of these documents, the Board noted that the Electronic Business Transaction ("EBT") Standards for both sectors may also be affected.

On August 20, 2010, the Board issued a letter the Ontario EBT Standards Working Group for Retail Settlement and the GDAR EBT Standards Working Group (together, the "Working Groups") requesting that they identify any issues related to the current EBT processes arising from the implementation of the ECPA, the draft regulations under the ECPA that were posted for comment by the government and the proposed revisions to the Board's regulatory instruments that need resolution to ensure a successful transition to the new framework when the ECPA comes into force (the "Request"). The Board asked the Working Groups to report on the progress of their discussions. This Memorandum is sent in response to the Request on behalf of the Working Groups.

The Request was forwarded by email to the distribution lists of each of the Working Groups, together with an offer to arrange a meeting at the request of any member of the Working Groups to discuss any identified issues. Potential issues identified by individual members of each of the Working Groups are included in the attached Appendix A.

Yours truly,



*for* Jay Lee, Chair  
Ontario EBT Standards Working Group  
for Retail Settlement

Barbara Robertson  
On behalf of:  
GDAR EBT Standards Working Group

## APPENDIX A

### Potential Issues Related to EBT Processes Arising from Implementation of the *Energy Consumer Protection Act, 2010*

#### A. Ontario EBT Standards Working Group for Retail Settlement

1. ECPA Draft Regulation Section 25

Subsection 1 requires the supplier to have the electricity distributor read the consumer's meter not more than 60 days after the consumer gives notice of a cancellation. Subsection 2 allows the Board to specify a different period if 60 days is not reasonably possible.

Current EBT processes provide that service transfers from one retailer to another, including a transfer from or to an SSS provider, shall take effect on the date of an actual meter read in accordance with section 10.5.1 of the Retail Settlement Code. An actual meter read may not occur within 60 days of the notice of a cancellation.

2. Proposed Restated Electricity Retailer Code of Conduct

Section 3.6 sets out the retailer's obligation in the situation where it discovers that a transfer request for a consumer that is not a low volume consumer is supported by a contract that does not comply with the legal or regulatory requirements or does not contain the signature of the consumer. If the consumer does not accept a compliant contract, the retailer is required to immediately "reverse the transfer request".

There is no EBT transaction to reverse a transfer request.

#### B. GDAR EBT Standards Working Group

1. ECPA Draft Regulation Subsection 22(5)

This subsection provides that a cancellation under subsection 19(4) and (5) of the Act take effect no later than the date the consumer's meter is read or 60 days after notice is given to the supplier.

Current EBT processes provide that the effective date for a change of gas supply is the first of a month unless an exception is negotiated between the parties. The draft regulation could necessitate a change to the EBT standards. The scope and timing of such a change has not been determined.

Both Enbridge and Union have petitioned the Ministry to remove the requirement to have a cancellation take effect on the date the consumer's meter is read.

2. ECPA and Draft Regulation – Definition of "Consumer"

The consumers to whom the legislation applies are limited to those annually using less than the prescribed amounts (150,000 kWh of electricity and 50,000 m<sup>3</sup> of gas). As such, it would seem that any contemplated changes to GDAR or the EBT Standards should be limited to this size of consumers.