

**Attachment A
To
Notice of Revised Proposal to Amend Codes
February 8, 2011
EB-2007-0722**

**Revised Updated Proposed Low-Income Customer Service Amendments to
the Distribution System Code, the Retail Settlement Code and the Standard
Service Supply Code**

Note: The text of the amendments is set out in italics below, for ease of identification only.
The revised proposed amendments in bold italics are subject to further notice and comment.

Part I: Revised Proposed Amendments to the Distribution System Code

1. Section 1.2 of the Distribution System Code is amended to add the following definition:

“eligible low-income customer” means:

- a) *a residential electricity customer~~s~~ who has~~ve~~ a pre-tax household income at or below the ~~current~~**most recent** pre-tax Low Income Cut-Off, according to Statistics Canada, plus 15%, taking into account family size and community size, as qualified by a social service agency or government agency that partners with a given distributor to assess Emergency Financial Assistance eligibility;*
- b) *a residential electricity customer who has been qualified for Emergency Financial Assistance; or*
- c) *a residential electricity customer who demonstrates to the distributor, with appropriate supporting documentation, that he or she is a recipient of one of the following government-assistance programs: Ontario Works, Ontario Disability Support Program, Ontario Child Care Supplement for Working Families, National Child Benefit Supplement or Guaranteed Income Supplement for Seniors.*

A residential electricity customer who has been qualified as an eligible low-income customer under subsections a) to c) shall remain an eligible low-income customer for code purposes for a

period of 2 years from the date on which he or she was so qualified.

“Emergency Financial Assistance” means any Board-approved emergency financial assistance program made available by a distributor to eligible low-income residential customers

2. Section 1.7 of the Distribution System Code is amended by adding the following paragraph before the last paragraph:

~~The amendments to the following sections come into force on January 1, 2011: sections 1.2, 2.4.12A, 2.4.12B, 2.4.23B 2.4.23C, 2.6.3.1, 2.7.1.3, 2.7.2(c) and (d), 2.7.4.3, 2.7.5.1, 2.7.6A, 2.7.6B, 2.9.2, 4.2.2(k1) and 4.2.2.4(f1).~~

- x. Section 1.7 of the Distribution System Code is amended by adding the following paragraphs at the end of that section:

The amendments to sections 1.2 (definitions of “eligible low-income customer” and “Emergency Financial Assistance”), 2.7.2(a), 2.7.2(b), 4.2.2(k) and 4.2.2.4(k) come into force 90 days after the date on which they are published on the Board’s website after having been made by the Board.

The following sections come into force 90 days after the date on which they are published on the Board’s website after having been made by the Board: sections 2.7.1.3, 2.7.2(c) to (e), 2.7.4.3, 2.7.5.1, 2.7.6A, 2.7.6B, 2.9.2, 4.2.2(k1) and 4.2.2.4(f1).

The following sections come into force 180 days after the date on which they are published on the Board’s website after having been made by the Board: sections 2.4.12A, 2.4.12B, 2.4.23B, 2.4.23C and 2.4.23D.

3. Section 2.4.12 of the Distribution System Code is amended by adding the following sections:

2.4.12A When issuing a bill for a security deposit in accordance with section 2.4.12, the distributor shall include a bill insert advising a residential customer that the security deposit requirement will be waived for an eligible low-income customer provided that such a customer contacts the distributor and thereafter confirms his or her low-income eligibility. The distributor shall notify the customer by means of a bill insert, bill message, or outgoing telephone message and shall include ~~The bill insert must provide the~~

distributor's contact information where the customer can obtain further information and a referral to a social service agency or government agency to review the customer's low-income eligibility.

2.4.12B Where a residential customer has received a bill that includes an amount for security deposit and advises the distributor that he or she will apply to a social service agency or government agency that partners with the distributor for low-income eligibility qualification, the due date for payment of the security deposit shall be extended for at least 21 days pending the eligibility decision by the social service agency or government agency.

4. Section 2.4.23 of the Distribution System Code is amended by adding the following sections:

2.4.23BA distributor shall give notice to all residential customers, at least annually, that any residential customer that qualifies as an eligible low-income customer may request and receive a refund of any security deposit previously paid to the distributor by the customer, after application of the security deposit to any outstanding arrears on the customer's account.

2.4.23C Where an eligible low-income customer requests refund of a security deposit previously paid to a distributor by the customer, the distributor shall advise the customer within 10 days of the request ~~that the customer may elect to have the refund credited to their account or repaid in full by cheque within 11 days of requesting payment by cheque.~~ that the balance remaining after application of the security deposit to any outstanding arrears will be credited to his or her account where the remaining amount is less than one month's average billing or, where the remaining amount is equal to or greater than one month's average billing, the customer may elect to receive the refund by cheque and the distributor shall issue a cheque within 11 days of the customer requesting payment by cheque.

2.4.23D Where the security deposit was originally paid to the distributor by a social service or government agency or another third party on behalf of an eligible low-income customer, and the customer, agency or third party requests a refund of the security deposit, the distributor shall pay the balance remaining, after application to any outstanding arrears, to the agency or third party, unless the distributor is instructed otherwise by the payor of the deposit.

5. ~~Section 2.6.3 of the Distribution System code is amended by adding the following section:~~

~~2.6.3.1A distributor shall allow an eligible low-income customer that is not on an equal monthly payment plan or equal billing plan to request that the bill payment due date be deferred to the 5th day of the following month and the distributor shall not impose any late payment or other charges upon receipt of such payment.~~

5. Section 2.7 of the Distribution System Code is amended by deleting “or” after section 2.7.2(a), by replacing the period after section 2.7.2(b) with a semi-colon, and by adding the following sections:

2.7.1.3 Where an eligible low-income customer enters into an arrears payment agreement for the first time or subsequent to having successfully completed a previous arrears payment agreement as an eligible low-income customer, a distributor may require that the customer pay a down payment of up to 10% of the electricity charge arrears accumulated, inclusive of any applicable late payment charges but excluding other service charges. ~~The distributor shall waive the down payment referred to in section 2.7.1.2 where an eligible low-income customer is entering into an arrears payment agreement for the first time or subsequent to having successfully completed a previous arrears payment agreement.~~

2.7.2 (c) ~~in the case of an eligible low-income customer, a period of at least 8-10 months, where the total amount of the electricity charges remaining overdue for payment is less than or equal to twice the customer’s average monthly billing amount; or~~

(d) ~~in the case of an eligible low-income customer, a period of at least 12-20 months where the total amount of the electricity charges remaining overdue for payment is between 2 and 4 months of the equal to or exceeds twice the customer’s average monthly billing amount; or-~~

(e) in the case of an eligible low-income customer, a period of at least 16 months where the total amount of the electricity charges remaining overdue for payment exceeds four times the customer’s average monthly billing amount.

2.7.4.3 Where an eligible low-income customer defaults on more than two occasions in making a payment in accordance with an arrears payment agreement, or a payment on account of a current electricity charge billing or an under-billing adjustment, the distributor may cancel the arrears payment agreement.

2.7.5.1 In the case of an eligible low-income customer, the distributor shall allow such a customer to enter into a subsequent arrears payment agreement upon successful completion of the previous arrears payment agreement on the following terms:

i) If a second or subsequent arrears agreement is requested less than 12 months from the date of completion of the previous arrears payment agreement, then the standard arrears payment agreement terms applicable to all residential customers under sections 2.7.1 to 2.7.4.1 also apply to the eligible low-income customer; or

ii) If a second or subsequent arrears agreement is requested 12 months or more from the date of completion of the previous arrears payment agreement, the eligible low-income customer shall be entitled to the arrears payment agreement terms set out in sections 2.7.1.3, 2.7.2(c), 2.7.2(d), 2.7.2(e), 2.7.4.3 and 2.7.4.4.

2.7.6A Notwithstanding the definition of “electricity charges” in section 2.6.6.3, and subject to section 2.7.6B, where an eligible low-income customer enters into an arrears payment agreement with a distributor **for the first time or subsequent to having successfully completed a previous arrears payment agreement as an eligible low-income customer**, the distributor shall waive any service charges specifically related to collection, disconnection, non-payment or load control and such charges shall not be included in the arrears payment agreement.

2.7.6B The distributor is not required to waive any late payment charges, as described in section 2.6.6.3, that accrue to the date of the arrears payment agreement but no further late payment charges may be imposed on an eligible low-income customer after he or she has entered into an arrears payment agreement with the distributor in respect of the amount that is the subject of that agreement.

6. Section 2 of the Distribution System Code is amended by adding the following section:

2.9.2 Where a residential customer notifies the distributor that he or she has applied for qualification as an eligible low-income customer, the

distributor shall refrain from installing ~~the~~ load ~~limiter control~~ device for a period of 21 days after receiving notification from social service agency or government agency that it is assessing the customer for Emergency Financial bill payment assistance.

7. Section 4.2.2 of the Distribution System Code is amended by eliminating “and” after section 4.2.2(k) and by adding the following section:

(k1) that the following additional assistance may be available to an eligible low-income customer, along with contact information for the distributor where the customer can obtain further information about the additional assistance:

- i) a Board-prescribed arrears management program, and other expanded customer service provisions, specifically for eligible low-income customers; and
- ii) a Board-approved Emergency Financial Assistance program administered through a social service agency or government agency that partners with the distributor to assess program eligibility; ~~and s through various social service agencies, government agencies, charities or local electricity and gas distributors; and~~

8. Section 4.2.2.4 of the Distribution System Code is amended by eliminating “and” after section 4.2.2.2(k) and by adding the following section:

(f1) advise that the following additional assistance may be available to an eligible low-income customer, along with contact information for the distributor where the customer can obtain further information about the additional assistance:

- i) a Board-prescribed arrears management program, and other expanded customer service provisions, specifically for eligible low-income customers; and
- ii) a Board-approved Emergency Financial Assistance program administered through a social service agency or government agency that partners with the distributor to assess program eligibility; ~~and other assistance programs through various social service agencies, government agencies, charities or local electricity and gas distributors; and~~

Part II: Revised Proposed Amendments to the Retail Settlement Code

1. Section 1.2 of the Retail Settlement Code is amended to add the following definition:

~~“eligible low-income customer” means residential electricity customers who have a pre-tax household income at or below the current pre-tax Low Income Cut-Off, according to Statistics Canada, plus 15%, as confirmed by a social service agency or government agency accepted by the Board for this purpose~~

“eligible low-income customer” means:

- a) a residential electricity customer who has a pre-tax household income at or below the most recent pre-tax Low Income Cut-Off, according to Statistics Canada, plus 15%, taking into account family size and community size, as qualified by a social service agency or government agency that partners with a given distributor to assess Emergency Financial Assistance eligibility
- b) a residential electricity customer who has been qualified for Emergency Financial Assistance; or
- c) a residential electricity customer who demonstrates to the distributor, with appropriate supporting documentation, that he or she is a recipient of one of the following government-assistance programs: Ontario Works, Ontario Disability Support Program, Ontario Child Care Supplement for Working Families, National Child Benefit Supplement or Guaranteed Income Supplement for Seniors.

A residential electricity customer who has been qualified as an eligible low-income customer under subsections a) to c) shall remain an eligible low-income customer for code purposes for a period of 2 years from the date on which he or she was so qualified.

“Emergency Financial Assistance” means any Board-approved emergency financial assistance program made available by a distributor to eligible low-income residential customers

2. Section 1.7 of the Retail Settlement Code is amended by deleting the final sentence of the section and replacing it with the following sentence:

The amendments to sections 1.2 (definition of “customer”) and 7.7 come into force on April 1, 2011.

and by adding the following paragraphs at the end of that section:

The amendments to sections 1.2 (definitions of “eligible low-income customer” and “Emergency Financial Assistance”) and to section 7.7.4.1 come into force 180 days after the date on which they are published on the Board’s website after having been made by the Board.

Section 7.7.4.2 comes into force 180 days after the date on which it is published on the Board’s website after having been made by the Board.

3. Section 7.7 of the Retail Settlement Code is amended to add the following section:

7.7.4.1 Where a distributor issues a bill to a customer for an under-billed amount, the distributor shall notify the customer ~~include an insert advising~~ that, if the customer is an eligible low-income customer, he or she has the option of paying the under-billed amount as follows:
i) in accordance with section 7.7.4; or
ii) over a period of 10 months where the under-billed amount is less than twice the customer’s average monthly billing and over a period of 20 months where the under-billed amount equals or exceeds twice the customer’s average monthly billing;

7.7.4.2 For the purposes of section 7.7.4.1 the distributor may notify the customer by way of bill insert, bill message, letter or outgoing telephone message.

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

1. Section 1.2 of the Standard Supply Service Code is amended to add the following definition:

~~“eligible low-income customer” means residential electricity customers who have a pre-tax household income at or below the current pre-tax Low Income Cut-Off, according to Statistics Canada, plus 15%, as confirmed by a social service agency or government agency accepted by the Board for this purpose~~

“eligible low-income customer” means:

- a) a residential electricity customer who has a pre-tax household income at or below the pre-tax Low Income Cut-Off, according to Statistics Canada, plus 15%, taking into account family size and community size, as qualified by a social service agency or government agency that partners with a given distributor to assess Emergency Financial Assistance eligibility;
- b) a residential electricity customer who has been qualified for Emergency Financial Assistance; or
- c) a residential electricity customer who demonstrates to the distributor, with appropriate supporting documentation, that he or she is a recipient of one of the following government-assistance programs: Ontario Works, Ontario Disability Support Program, Ontario Child Care Supplement for Working Families, National Child Benefit Supplement or Guaranteed Income Supplement for Seniors.

A residential electricity customer who has been qualified as an eligible low-income customer under subsections a) to c) shall remain an eligible low-income customer for code purposes for a period of 2 years from the date on which he or she was so qualified.

“Emergency Financial Assistance” means any Board-approved emergency financial assistance program made available by a distributor to eligible low-income residential customers

2. Section 1.6.4 of the Standard Supply Service Code is amended by ~~deleting section 1.6.4 and replacing it with~~ adding the following new section 1.6.5:

1.6.4 The amendments to sections 1.2 and 2.6.2 come into force on April 1, 2011.

The amendments to section 1.2 (definitions of “eligible low-income customer” and “Emergency Financial Assistance”) come into force 180 days after the date on which they are published on the Board’s website after having been made by the Board.

The following sections come into force 180 days after the date on which they are published on the Board’s website after having been made by the Board: sections 2.6.2B and 2.6.2C.

3. Section 2.6.2 of the Standard Supply Service Code is amended to add the following sections after section 2.6.2A:

2.6.2B Where a distributor currently bills on a monthly or bi-monthly basis, it must offer an eligible-low income customer receiving standard supply service the option of entering into an equalized billing plan. The equal billing option offered shall meet the following minimum requirements:

(a) where the customer is currently billed monthly, the equal billing plan offered shall be billed monthly and where the customer is currently billed bi-monthly, the equal billing plan that shall be offered may be billed bi-monthly or monthly;

(b) a distributor may only refuse to provide an equal billing plan option to a customer that is in arrears on payment to the distributor for electricity charges, as defined in 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;

(c) despite any other code issued by the Board, the equal billing plan option offered to an eligible low-income customer shall provide for the customer to make equalized bill payments on a monthly or bi-monthly basis, as the case may be under section 2.6.2B(a), and shall make provision for the customer to select from at least two dates within the applicable month on which the equalized bill payment is due;

(d) subject to paragraph (e), the equal billing plan shall provide for annual reconciliation of the plan as follows:

- i) while a customer may join an equal billing plan at any time during the calendar year, the distributor is only required to reconcile all of its equal billing 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 billing 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 billing plans on an annual basis, a distributor shall review its equal billing plans quarterly or semi-*

annually and adjust the equal monthly or bi-monthly amounts in the event of material changes in a customer's electricity consumption or a customer's electricity charges as defined in section 2.6.2C(b);

- 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 amount, 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 the bill to request refund of the overpayment by cheque instead and 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 amount, the distributor may collect the full amount owed by a corresponding charge on the final bill issued to the customer under the annual equal billing 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 billing plan and recover the balance over the first 10 months (in the case of bi-monthly equal billing plans) or 11 months (in the case of monthly equal billing plans) of the following year's equal billing plan; and*
- (e) where a customer leaves the equal billing 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; and*

(f) where 2 or more years have passed since a residential customer was qualified as an eligible low-income customer and the distributor wishes to cancel a low-income customer equal billing plan provided to the customer, then the distributor shall notify the customer at least one billing cycle before any such cancellation occurs.

2.6.2C For the purposes of section 2.6.2B:

- (a) a 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 receiving service from a 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 2.6.6.3 of the Distribution System Code; and
- (b) where a residential customer requests equal billing, the equalized monthly or bi-monthly billing amount shall include all "electricity charges" as defined in section 2.6.6.3 of the Distribution System Code.