

## ***Aiken & Associates***

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February 26, 2011

Ms. Kirsten Walli  
Board Secretary  
Ontario Energy Board  
2300 Yonge Street  
27<sup>th</sup> Floor  
Toronto, ON  
M4P 1E4

Dear Ms. Walli:

**Re: EB-2007-0722 – LPMA Comments on Revised Updated Proposed Low-Income and Other Customer Service Amendments to the Distribution System Code, the Retail Settlement Code and the Standard Supply Service Code**

These are the comments made on behalf of the London Property Management Association (“LPMA”) on the Revised Updated Proposed Low-Income and Other Customer Service Amendments to the Distribution System Code, the Retail Settlement Code and the Standard Supply Service Code dated February 8, 2011.

These comments are made in response to the Board’s letter inviting participants in the EB-2007-0722 and EB-2008-0150 processes to provide comments on the Revised Updated Proposed Amendments.

**Updated Proposed Low-Income Customer-Service Amendments to the Codes**

**A. Eligible Low-Income Electricity Customers**

The addition of part (c) to Section 1.2 of the Distribution System Code allows a distributor to determine that a customer is a low income customer when appropriate supporting documentation is obtained confirming that the utility service account holder is the recipient of any of the five government assistance programs noted.

LPMA is concerned that this deviates from household income test in part (a) of Section 1.2 and replaces it with a test that is based on the utility service account holder only. The concern is that the two different approaches could end up with different decisions on whether or not the customer qualifies as a low income customer.

LPMA is also concerned with the collection and storage of the information needed to determine the eligibility for low income status. First, the information that is collected and kept on record needs to be treated as confidential. Second, there is no indication as to when this information will be destroyed.

LPMA believes that when the utility service account holder changes, the documentation provided by the previous account holder should be destroyed immediately. Similarly, under the proposal that a customer's low income status will remain in effect for 2 years from the date of qualification, the documentation should be destroyed immediately after the 2 year period.

#### B. Deferred Payment Data Option

No comments were requested in this section.

#### C. Correction of Billing Errors

LPMA supports the addition of the alternative communication options as set out in the proposed new section 7.7.4.2 of the Retail Settlement Code. These options should help lower the administration cost associated with this rule. The additional options may also provide the information to the customers in a more timely manner than relying on a bill insert.

#### D. Equal Billing Plan Option

As indicated in its October 25, 2010 Comments, LPMA supported new section 2.6.2B of the Standard Service Supply Code. subject to any concerns raised by the distributors.

The Board has set out a number of revised proposed rules that would maintain the intent of the proposed rules, but also minimizing implementation costs.

Proposed new section 2.6.2B(f) of the SSSC allows a distributor to cancel a low-income customer equal billing plan provided to the customer by providing notice to the customer of this effect at least one billing cycle before any such cancellation occurs.

LPMA believes that the notice should be provided earlier, at least two billing cycles before any such cancellation occurs. The notice should also provide the customer with a clear description of the options available to replace the equal billing plan that is being cancelled and contact information for the utility to advise them of the option chosen.

#### E. Disconnection for Non-Payment Notice

LPMA believes the changes noted are appropriate.

#### F. Security Deposits

LPMA supports the revision to proposed section 2.4.3B of the DSC that requires that where there are arrears on the account, the security deposit should be applied first towards that arrears before the remainder is refunded.

LPMA also supports the change to revised proposed section 2.4.23 of the DSC related to the request of a refund of a security deposit. This would appear to reduce costs to distributors of issuing a large number of cheques and issuing a credit to the customer's account when the amount of the security deposit remaining is less than one month's average billing for the customer. Any amounts over and above this amount would be paid by cheque to the customer within 11 days of requesting payment by cheque.

LPMA assumes that any amounts paid by cheque or credited to an account related to the security deposits would include any interest accrued on the security deposits. In addition, LPMA believes that the Board should address the question of whether interest should continue to accrue to the customer on the portion of the security deposit that is credited to

the customer's account, since the customer will not be able to access or use these funds until the next billing cycle.

LPMA also supports the new rule proposed in section 2.4.23D of the DSC. This section should provide clarity to distributors, customers and the payors of the security deposit as to where the distributor shall pay any balance of the security deposit remaining.

#### G. Low-Income Arrears Payment Agreements

LPMA supports both the provision to allow a distributor to request a down payment of up to 10% and the proposed service charges waiver, where a customer is entering into a low-income arrears payment agreement for the first time or into another agreement subsequent to successfully completed a previous agreement. LPMA also supports the minimum time periods proposed in section 2.7.2 (c) to (e). In all instances, the revised proposals appear to be reasonable, reflecting a balance between helping low income customers with their payment obligations through additional flexibility, while still providing an incentive to customers to maintain their arrears payments.

### **Amendments to July 2, 2010 Customer Service Rules Applicable to All Residential Customers**

#### A. Use of Load Control Devices

LPMA has reviewed the revisions proposed related to the use of load control devices, including the definitions provided. LPMA supports the proposed changes.

In particular, LPMA supports the revisions that require a distributor provide a telephone number for the customer where further information can be obtained and an emergency number to contact if the customer is unable to manually reset the device. LPMA submits that this is especially important in the winter, when the loss of electricity could result in property damage from frozen pipes.

LPMA does have one concern around the use of the "timed load interrupter". Based on the definition provided, this device completely interrupts the customer's electricity

intermittently for periods of time and allows full load capacity outside of the time periods that the electricity is interrupted. It has not been specified how long the complete interruption using this device would be. LPMA submits that in the winter season the length of the complete interruption should be short enough as to not impact on the ability of a customer to maintain a reasonable level of heating in their residence. In addition to the potential for property damage, there may be potential for serious physical harm if heating is not available for a prolonged period during a cold day. For example, a gas furnace cannot distribute heat if there is no electricity to power the blower fan. If the customer also has a gas stove, they may attempt to use this as a source of heat while the electricity is off. This represents an unsafe situation and should be avoided. LPMA suggests that the Board specify the maximum length of time, perhaps applicable to the heating season only, that the electricity can be completely interrupted.

#### B. Arrears Payment Agreements

LPMA believes the changes proposed are appropriate.

#### C. Other Adjustments to the July 2, 2010 Customer Service Rules

LPMA believes the changes proposed are appropriate.

Please contact me if the Board requires any further information related to these comments.

Sincerely,

*Randy Aiken*

Randy Aiken  
Aiken & Associates