



EB-2011-0291

NOTICE OF APPLICATION AND WRITTEN HEARING

EnWin Utilities Ltd.

**Application for a Licence Amendment to exempt EnWin Utilities Ltd.
from Sections 2.6.6 to 2.6.6.3 of the Distribution System Code
until January 1, 2013**

EnWin Utilities Ltd. ("EnWin") filed an application with the Ontario Energy Board (the "Board") on August 8, 2011 seeking a temporary exemption from sections 2.6.6 to 2.6.6.3 of the Distribution System Code (the "DSC"). The subject sections of the DSC are replicated at Appendix A. EnWin is seeking the temporary exemption until January 1, 2013 at a time when its new customer information system will be fully operational.

Among other things, the subject sections of the DSC direct electricity distributors issuing customer bills that include charges other than electricity,

- (a) to allocate payments received from a customer, first to electricity charges and then to non-electricity charges, and
- (b) not to impose late payment charges, issue a disconnection notice or disconnect electricity supply, where the payment received from the customer is sufficient to cover electricity charges, security deposits and billing adjustments.

EnWin customers' electricity bill includes charges for water and waste water services as EnWin is the billing contractor for the Windsor Utilities Commission in respect of water and waste water billing. EnWin states that it performs its billing function through a customer information system which is programmed on the basis of allocated partial payments among the utility services (i.e. not priority payments to electricity services). EnWin proposes to make the necessary changes to its customer information system to meet the subject provisions of the DSC by January 1, 2013 as part of a project that EnWin has undertaken to replace its current customer information system.

Granting the exemption sought by EnWin would mean that until January 1, 2013, EnWin will continue its payment allocation among the utility services noted above and is not prohibited from imposing late payment charges, issuing a disconnection notice and disconnecting electricity supply, where the total amount of the payment made is

sufficient to cover electricity charges, security deposits and billing adjustments, but insufficient to cover the other utility services billed.

Copies of the application and the pre-filed evidence in support of it will be available for public inspection at the Board's offices, or at the applicant's offices.

How to Participate in the Hearing

The Board intends to proceed with this matter by way of a written hearing unless a party satisfies the Board that there is a good reason for not holding a written hearing. If you object to the Board holding a written hearing in this matter, you must provide written reasons why an oral hearing is necessary. Any submissions objecting to a written hearing must be received by the Board and copied to the applicant by October 14, 2011.

If you wish to participate in the written hearing, please file a written submission setting out your views on the application. You must forward two paper copies, and if possible, an electronic copy in Word format and in searchable PDF format, of your submission to the Board and one copy to the applicant at the addresses below. All submissions must be received no later than October 18, 2011. If the applicant wishes to respond to the submissions, such response must be filed with the Board and copied to any party that made submissions no later than October 25, 2011.

All submissions must quote the relevant file number, and clearly state the sender's name, postal address, telephone number, fax number and e-mail address. All communications should be directed to the attention of the Board Secretary at the address below, and be received no later than 4:45 p.m. on the required date.

All written submissions sent to the Board will be placed on the public record, which means that the written submissions will be available for viewing at the Board's offices and will be placed on the Board's website.

If the written submission is from a private citizen (i.e., not a lawyer representing a client, not a consultant representing a client or organization, not an individual in an organization that represents the interests of consumers or other groups, and not an individual from a regulated entity), before placing the written submission on the public record, the Board will remove any personal (i.e., not business) contact information from the written submission (i.e., the address, fax number, phone number, and e-mail address of the individual). However, the name of the individual and the content of the written submission will become part of the public record.

As stated elsewhere in this notice, you must provide a complete copy of your written submission (including your name, contact information, and everything written in the submission) to the applicant.

Information relating to the application is available for viewing at the Board's offices at the address provided below or by contacting the applicant. The address and contact information for the applicant are also provided below.

Further information on how to participate may be obtained by visiting the Board's web site at www.ontarioenergyboard.ca or by calling our Consumer Relations Centre at 1-877-632-2727.

IMPORTANT

IF YOU DO NOT FILE A WRITTEN SUBMISSION OBJECTING TO A WRITTEN HEARING OR DO NOT PARTICIPATE IN THE HEARING BY FILING WRITTEN SUBMISSIONS IN ACCORDANCE WITH THIS NOTICE, THE BOARD MAY PROCEED WITHOUT YOUR PARTICIPATION AND YOU WILL NOT BE ENTITLED TO FURTHER NOTICE IN THIS PROCEEDING.

Addresses

The Board

Ontario Energy Board
P.O. Box 2319
2300 Yonge Street, 27th Floor
Toronto ON M4P 1E4
Attention: Board Secretary

Tel: 1-888-632-6273 (toll free)
Fax: 416-440-7656
E-mail: BoardSec@ontarioenergyboard.ca

The Applicant

EnWin Utilities Ltd.
P.O.Box 1625 Stn A
787 Oulette Ave
Windsor ON N9A 5T7
Attention: Mr. Andrew J. Sasso

Tel: +1 (519) 255-2735
Fax: +1 (519) 973-7812
E-mail: regulatory@enwin.com

DATED at Toronto, September 27, 2011.

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary

Appendix A

- 2.6.6 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.
- 2.6.6.1 Section 2.6.6 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 2.6.6 will be deemed applicable.
- 2.6.6.2A Where payment on account of a bill referred to in section 2.6.6 or 2.6.6.1 is sufficient to cover electricity charges, security deposits and billing adjustments, the distributor shall not impose late payment charges, issue a disconnection notice or disconnect electricity supply.
- 2.6.6.2B Subject to section 2.6.6.1, where payment on account of a bill referred to in section 2.6.6 or 2.6.6.1 is not sufficient to cover electricity charges, security deposits and billing adjustments, the distributor shall allocate the payments in the following order: electricity charges as defined in section 2.6.6.3, payments towards an arrears payment agreement, outstanding security deposit, underbilling adjustments and non-electricity charges.
- 2.6.6.3 For the purposes of this section, “electricity charges” are:
- (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) where applicable, charges prescribed by regulations under section 25.33 of the *Electricity Act* and all applicable taxes on those charges; and
 - (c) Board-approved specific service charges, including late payment 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 or amounts owed by a customer pursuant to an arrears payment agreement or a billing adjustment.