



EB-2011-0269

NOTICE OF APPLICATION AND WRITTEN HEARING

Application by Toronto Hydro-Electric System Limited for Temporary Exemption from Certain Sections of the Distribution System Code and the Retail Settlement Code

Toronto Hydro-Electric System Limited ("THESL") has filed an application with the Ontario Energy Board seeking an exemption from having to comply with sections 2.4.26A, 2.6.5, 4.2.2.4 and 7.10.2 of the Distribution System Code and section 7.7.1 of the Retail Settlement Code until December 17, 2012. The subject provisions of the Distribution System Code and the Retail Settlement Code are reproduced at Appendix A.

Granting the temporary exemption means that, among other things, THESL will not be prohibited from:

- issuing a disconnection notice to a residential customer for non-payment even if the security deposit held on account for the customer was sufficient to cover the total amount owing;
- using different rules than those prescribed for determining the date on which payment of a bill has been received from a customer; and
- disconnecting the electricity service of a residential customer to whom THESL has issued a disconnection notice for non-payment, without contacting the customer 48 hours before disconnection to provide the information required by the Distribution System Code.

In addition, where THESL has over billed a customer or retailer by an amount that is equal or exceeds the customer's or retailer's average monthly billing amount, THESL will not be obligated to notify the customer or retailer of the over billing or to advise the customer or retailer of the reimbursement options within in the prescribed timelines.

THESL indicates in its application that, given the size of its customer base, it must automate all customer transactions and interactions through its Customer Information System ("CIS"), including those transactions required by these provisions of the Codes. The application also indicates that THESL is in the process of implementing a new CIS which, once fully operational by December 17, 2012, will be fully compliant with the codes. In the interim period prior to its new CIS being fully operational, THESL indicates that it will make best efforts to comply with the provisions of the codes through manual workarounds.

How to see the Application

A copy of the application and related documents are available for inspection at the Board's offices in Toronto and on its website, www.ontarioenergyboard.ca. A copy can also be viewed at THESL's office at the address indicated below and on its website.

How to Participate in the Hearing

The application will be decided by way of written hearing unless a party satisfies the Board that there is good reason for not holding a written hearing. If you object to a written hearing for this application, 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 **November 21, 2011**.

Any parties wishing information and material from the applicant that is in addition to the applicant's pre-filed evidence with the Board, and that is relevant to the hearing, shall request it by written interrogatories filed with the Board and delivered to the applicant on or before **November 25, 2011**. Where possible, the questions should specifically reference the pre-filed evidence. The applicant shall file with the Board complete responses to the interrogatories and deliver them to any interested parties in the proceeding no later than **December 5, 2012**.

Anyone who wishes to make a submission on the application must file a written submission with the Board and deliver it to the applicant by **December 15, 2011**. If the applicant wishes to respond to the submission(s), the written response must be filed with the Board and delivered to all parties who made submissions by **December 28, 2011**. All written submissions sent to the Board will be placed on the public record. 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.

How to File Documents with the Board

You must forward two paper copies, and if possible, in searchable PDF format, of your written submission to the Board and one copy to the applicant. All submissions must quote file number EB-2011-0269 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.

Need More Information?

Further information on how to participate may be obtained by visiting the Board's Website 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: 1-877-632-2727 (toll free)
Fax: 416-440-7656
E-mail: Boardsec@ontarioenergyboard.ca

The Applicant

Toronto Hydro-Electric System Limited
14 Carlton St.
P. O. Box 1900
Toronto ON M5B 1K5
Attention: Glen a. Winn

Tel: 416-542-2517
Fax: 416-542-2776
E-mail: regulatoryaffairs@torontohydro.com

DATED at Toronto, November 4, 2011

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary

Appendix “A” to

NOTICE OF APPLICATION AND WRITTEN HEARING

Application by Toronto Hydro Electric System Limited for Temporary Exemption from Certain Sections of the Distribution System Code and the Retail Settlement Code

Sections of the Distribution System Code from which THESL seeks a temporary exemption:

- 2.4.26A A distributor shall not issue a disconnection notice to a residential customer for non-payment unless the distributor has first applied any security deposit held on account for the customer against any amounts owing at that time and the security deposit was insufficient to cover the total amount owing.
- 2.6.5 A distributor shall apply the following rules for purposes of determining the date on which payment of a bill has been received from a customer:
- (a) if paid by mail, three days prior to the date on which the distributor receives the payment;
 - (b) if paid at a financial institution or electronically, on the date on which the payment is acknowledged or recorded by the customer's financial institution; or
 - (c) if paid by credit card issued by a financial institution, on the date and at the time that the charge is accepted by the financial institution.
- 4.2.2.4 A distributor shall make reasonable efforts to contact, in person or by telephone, a residential customer to whom the distributor has issued a disconnection notice for non-payment at least 48 hours prior to the scheduled date of disconnection. At that time, the distributor shall:
- (a) advise the customer of the scheduled date for disconnection;
 - (b) advise the customer that a disconnection may take place whether or not the customer is at the premises;
 - (c) where applicable, advise the customer that the disconnection may occur without attendance at the customer's premises;
 - (d) advise that the customer has the option to pay amounts owing by credit card issued by a financial institution, in addition to other forms of payment that the distributor will accept at that time and which can be verified within the time period remaining before disconnection; and advise during what hours such payments may be made;

- (e) advise the customer that, if the distributor attends at the customer's property to execute the disconnection, the customer will only be able to pay by credit card issued by a financial institution, unless the distributor, in its discretion, will accept other forms of payment at that time;
- (f) advise the customer that a Board-prescribed standard arrears management program and equal monthly payment plan option may be available to all residential customers; the distributor must be prepared to enter into an arrears payment agreement at that time if the customer is eligible under section 2.7;
- (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; and
- (g) advise the customer of any additional option(s) that the distributor, in its discretion, wishes to offer to the customer to avoid disconnection.

7.10.2 This service quality requirement must be met at least 85 percent of the time on a yearly basis.¹

Section of the Retail Settlement Code from which THESL seeks a temporary exemption:

7.7.1 Where a distributor has over billed a customer or retailer by an amount that is equal or exceeds the customer's or retailer's average monthly billing amount, determined in accordance with section 7.7.5, the distributor shall, within 10 days of determination of the error, notify the customer or retailer of the over billing and advise that the customer or retailer may elect to have the full amount credited to their account or repaid in full by cheque, within 11 days of requesting payment by cheque. Where the customer or retailer has not requested payment by cheque within 10 days of notification of the error by the distributor, the distributor may credit the full amount to the account.

¹ The service quality requirements referred to in section 7.10.2 are set out in section 7.10.1 as follows:

7.10.1 Where a distributor has disconnected the property of a customer for nonpayment, the distributor shall reconnect the property within 2 business days, as defined in section 2.6.7, of the date on which the customer:

- (a) makes payment in full of the amount overdue for payment as specified in the disconnection notice; or
- (b) enters into an arrears payment agreement with the distributor referred to in section 2.7.1A.