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Attachment B

NATURAL GAS REPORTING AND RECORD KEEPING REQUIREMENTS GAS MARKETER LICENCE REQUIREMENTS

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NATURAL GAS REPORTING AND RECORD KEEPING REQUIREMENTS (RRR)
GAS MARKETER LICENCE REQUIREMENTS
Version dated January 1, 2013

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1 GENERAL AND ADMINISTRATIVE PROVISIONS

1.1 The purpose of these reporting and record keeping requirements

These reporting and record keeping requirements set the minimum reporting and record keeping requirements, with which a natural gas marketer must comply, in accordance with section 4.1.1 of its licence. Other reporting and record keeping requirements specific to a natural gas marketer may also be contained in rules, individual licences or regulatory instruments specific to a marketer (for example, an order).

1.2 Interpretation

Unless otherwise defined in these reporting and record keeping requirements, words and phrases that have not been defined shall have the meaning ascribed to them in the Ontario Energy Board Act, 1998 (the “Act”). Headings are for convenience only and shall not affect the interpretation of these licence requirements. Words importing the singular include the plural and vice versa. A reference to a document or a provision of a document includes an amendment or supplement to, or a replacement of, that document or that provision of that document.

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1.3 To whom these reporting and record keeping requirements apply

These reporting and record keeping requirements apply to all licensed natural gas marketers.

1.4 Manner and format of reporting and record keeping

The reporting and record keeping requirements will be in the manner and format as prescribed by the Board.

1.5 Confidentiality of information

The Board intends to treat information filed under the Natural Gas Reporting and Record Keeping Requirements (Gas Marketer Licence Requirements) in confidence.

The Board reserves the right to disclose aggregated information as well as information in a form such that the identity of any individual person cannot be determined. The Board cautions parties that information treated as confidential may still be disclosed in a proceeding before the Board. However, a party to that proceeding would be able to request the Board to hold the document in confidence in that proceeding. The Board further cautions parties that it is subject to the *Freedom of Information and Protection of Privacy Act* (Ontario).

1.6 Exemptions

The Board may grant an exemption to any provision of these licence requirements. An exemption may be made in whole or in part and may be subject to conditions or restrictions.

1.7 Coming into Force

These requirements shall come into force on July 1, 2005.

The amendments to sections 1.5 and 2.1.1 and the addition of section 2.1.2 come into force on May 1, 2010 and apply to any reporting required to be made on or after that date.

The amendments to sections 2.1.2, 2.2.1 and 2.2.4 come into force on January 1, 2013 and apply to any reporting required to be made on or after that date.

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2 MARKETER

2.1 Reporting

2.1.1 A gas marketer shall provide in the form and manner required by the Board, quarterly, on the last day of the second month following the quarter end, information on the total number of customers at the end of the reporting quarter who are low volume consumers as defined in the Act, broken down by type of contract as follows:

- a) Contracts with less than one year remaining in the term of the contract;
- b) Contracts with greater than one year but less than three years remaining in the term of the contract; and
- c) Contracts with between three and five years remaining in the term of the contract.

Only contracts with consumers that have been successfully enrolled (accepted by a gas distributor for flow) or that have been renewed are required to be reported.

Marketers licensed to act as an agent only, are exempt from this requirement.

2.1.2 A gas marketer shall provide in the form and manner required by the Board, quarterly, on the last day of the second month following the quarter end, a summary of the following market monitoring information for the quarter pertaining to low volume consumers:

- a) Number of salespersons who have successfully enrolled a consumer (accepted by a gas distributor for flow) or successfully renewed a contract;
- b) Number of new enrolments (accepted by a gas distributor for flow);
- c) Number of contract renewals;
- d) Marketing approach percentages based on new enrolments (accepted by a gas distributor for flow) and renewed contracts during the reported quarter, broken down by: direct mail, ~~door-to-door~~in-person, telesales, internet sales, automatic renewals, and other;
- e) Number of consumer complaints; and
- f) Retail offers ~~available to~~accepted by customers that have been successfully enrolled (accepted by a gas distributor for flow) during the quarter. Details include the contract length, and pricing details.

Marketers licensed to act as an agent only, are exempt from this requirement.

2.2 Record Keeping

2.2.1 A gas marketer with customers who are low volume consumers as defined in the Act, shall maintain for a period of two years and provide in a form and manner and at such times as may be required by the Board, records of all written complaints by low volume consumers regarding services provided under the terms of the marketer's licence together with the responses to those complaints, containing the following information:

- a) The name and address of the existing or prospective ~~consumer~~customer;
- b) A description of the nature of the complaint including a copy of the written complaint;
- c) A description of the remedial action taken; and
- d) A copy of any correspondence received and/or sent with respect to each specific complaint.

2.2.2 A gas marketer with customers who are low volume consumers as defined in the Act, shall maintain on file and provide in a form and manner and at such times as may be required by the Board, records of sales personnel and customer information as referenced by the Code of Conduct for Gas Marketers and containing the following information:

- a) A current list of salespersons who act for that gas marketer;
- b) A list of the gas marketers' customers;
- c) Permission from each customer, signed by the customer, to submit a request to a gas distributor to allow the gas marketer to supply gas to the customer;
- d) The contract with each customer, with the customer's signature, to purchase gas from the gas marketer, or for the gas marketer to purchase gas as agent for the customer, for as long as the contract or any renewal of it is in effect;
- e) Where reaffirmation is required, the notice of reaffirmation of the contract by the customer, for as long as the contract or any renewal of it is in effect;
- f) The notice of acceptance of the renewal or extension from the customer, where such notice is required, for as long as the contract or any renewal of it is in effect; and
- g) Such other information as the Board may reasonably require.

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2.2.3 A gas marketer with customers who are low volume consumers as defined in the Act, shall maintain for a period of two years and provide in a form and manner and at such times as may be required by the Board, records of staff training material containing the following information:

- a) Training manuals and other print material;
- b) Training videos;
- c) Codes of conduct;
- d) Newsletters, bulletins, updates, circulars, notices, instruction sheets and other similar materials;
- e) Scripts used for door-to-door solicitation of existing or prospective customers; and
- f) Certification by each sales employee and sales agent that the training has been received and that the person is familiar with, and will abide by, the Code of Conduct for Gas Marketers.

2.2.4 A gas marketer with customers, who are low volume consumers as defined in the Act, shall maintain for a period of two years and provide in a form and manner and at such times as may be required by the Board, marketing information containing the following:

- a) Offers (defined as a proposal to enter into a contract, agency agreement, or any other agreement or combination thereof, make to an existing or prospective ~~consumer~~customer), including hard copies of web pages containing offers;
- b) Promotional material including pamphlets, brochures, bill inserts, coupons, and flyers;
- c) Application/ registration forms;
- d) Form letters sent to existing and prospective ~~consumers~~customers;
- e) Sample identity cards (including photograph), outerwear, business cards and contact information of sales representatives; and
- f) Reference material including utility bills, price comparisons with details of price offers and forecasts (of the ~~retailer~~gas marketer) and other energy suppliers quoted, shown (or carried so as to be seen) or provided to existing or prospective ~~consumers~~customers (records shall be kept for each price change in the reference material).