

**Ontario Energy  
Board**  
P.O. Box 2319  
27th Floor  
2300 Yonge Street  
Toronto ON M4P 1E4  
Telephone: 416-481-1967  
Facsimile: 416-440-7656  
Toll free: 1-888-632-6273

**Commission de l'énergie  
de l'Ontario**  
C.P. 2319  
27e étage  
2300, rue Yonge  
Toronto ON M4P 1E4  
Téléphone : 416-481-1967  
Télécopieur: 416-440-7656  
Numéro sans frais: 1-888-632-6273



## BY E-MAIL AND WEB POSTING

July 21, 2014

To: All Licensed Electricity Retailers  
All Licensed Natural Gas Marketers  
All Licensed Electricity Distributors  
All Natural Gas Distributors  
All Other Interested Parties

Re: **Consultation on the Effectiveness of Part II of the *Energy Consumer Protection Act, 2010***  
**Board File No.: EB-2014-0158**

---

The Board is undertaking a consultation to support the development of a report to the Minister of Energy in response to the Minister's request that the Board review Part II of the *Energy Consumer Protection Act, 2010* (the "ECPA"). This letter sets out further details regarding the consultation, including the Board's approach to the review, key consultation activities and the process for registering an interest in the consultation and requesting eligibility for cost awards.

### Scope of the Board's Review

As indicated in the Board's [April 8, 2014](#) letter, in undertaking its review the Board will have regard to a number of considerations, including: (i) consumer experience with retailers and marketers (collectively, "suppliers"); (ii) the Board's experience with oversight of the competitive retail energy sector; (iii) the conduct of suppliers; (iv) the products and services offered by suppliers; and (v) the state of the competitive retail energy markets having regard to developments since their inception.

### The Board's Approach

The Board intends to consult broadly with consumers, suppliers, distributors, and other interested stakeholders as part of its review. The following provides an overview of the key consultation activities that the Board expects to undertake as part of this initiative.

## *1. Consumer Research*

The Board has retained Innovative Research Group (“Innovative”) to provide expert advice and assistance in eliciting the views of consumers on the retail energy markets and the ECPA. The following are the key consumer research activities that will be undertaken in the coming months:

- i. An online workbook is being developed and will be hosted by Innovative to solicit feedback and collect data on a series of core questions. The online workbook will be available later this summer for a period of approximately six weeks, and will be open to all consumers who wish to use it. Further detail on how to access the workbook will be available in the near future.
- ii. Focus groups with both residential and small business consumers will be conducted in a number of locations across the Province.
- iii. Telephone surveys will be conducted with both residential and small business consumers.

The development of materials for these consumer research activities will be informed by interviews that Innovative will conduct over the coming days and weeks with industry experts and with representatives of consumers and stakeholders (including suppliers and distributors).

## *2. Stakeholder Consultation Activities*

The Board has also retained Professor Donald Dewees, Professor Emeritus of Law & Economics at the University of Toronto, to assist with the evaluation of the ECPA and related market issues.

In addition to inviting written comments, the Board will host a stakeholder forum early in the fall to give all interested parties an opportunity to provide their insight into, and perspectives on, the effectiveness of the ECPA and opportunities for improvement.

Interested parties will also have an opportunity to discuss the findings that result from Innovative’s consumer research activities at a stakeholder meeting that is planned for early October 2014.

Further details regarding the stakeholder forum and stakeholder meeting will be provided in due course.

### **Invitation to Participate**

The Board encourages participation in this consultation by all interested parties. Those interested in participating in the stakeholder consultation activities should indicate their intent by letter addressed to the Board Secretary no later than July 29,

2014. It is not necessary to file a letter to indicate an interest in participating in the online workbook or other consumer research activities.

## **Cost Awards**

As indicated in the Board's April 8, 2014 letter, cost awards will be available to eligible persons under section 30 of the *Ontario Energy Board Act, 1998* in relation to their participation in this consultation process. Costs awarded, as well as the Board's costs (including the costs of the external consultants engaged by the Board), will be recovered from all rate-regulated electricity distributors, all rate-regulated natural gas distributors, all licensed natural gas marketers and all licensed low-volume electricity retailers. The costs will be apportioned amongst these entities on the same basis as indirect cost are apportioned for purposes of the Board's cost assessments under section 26 of the *Ontario Energy Board Act, 1998*.

**Appendix A to this letter contains further details regarding cost awards for this consultation, including in relation to eligibility requests and objections, and eligible activities.** In order to facilitate a timely decision on cost eligibility, the deadlines for filing cost eligibility requests and objections will be strictly enforced.

## **Filing Instructions**

All filings made in this consultation process, including filings to register an interest in this consultation and to request cost award eligibility, must be made in accordance with the filing instructions set out in Appendix B to this letter.

All material related to this consultation will be posted on the Board's website at [www.ontarioenergyboard.ca](http://www.ontarioenergyboard.ca) and will also be available for public inspection at the Board's office during normal business hours.

If you have any questions regarding this consultation, please contact Martine Band at [martine.band@ontarioenergyboard.ca](mailto:martine.band@ontarioenergyboard.ca) or at 416-440-8117. The Board's toll free number is 1-888-632-6273.

Yours truly,

Original signed by

Kirsten Walli  
Board Secretary

Appendices: Appendix A – Cost Awards  
Appendix B – Filing Instructions

## Appendix A

### ***Energy Consumer Protection Act, 2010 Review*** **EB-2014-0158**

#### **Cost Awards**

##### **Cost Award Eligibility**

The Board will determine eligibility for costs in accordance with its *Practice Direction on Cost Awards*. Any person intending to request an award of costs must file with the Board a written submission to that effect by **July 29, 2014** identifying the grounds on which the person believes that it is eligible for an award of costs (addressing the Board's cost eligibility criteria as set out in section 3 of the Board's *Practice Direction on Cost Awards*). An explanation of any other funding to which the person has access must also be provided, as should the name and credentials of any lawyer, analyst or consultant that the person intends to retain, if known. All requests for cost eligibility will be posted on the Board's website.

If a rate-regulated electricity distributor, rate-regulated natural gas distributor, licensed natural gas marketer or licensed low-volume electricity retailer has any objections to any of the requests for cost eligibility, such objections must be filed with the Board by **August 8, 2014**. All objections will be posted on the Board's website. The Board will then make a final determination on the cost eligibility requests.

##### **Eligible Activities**

Cost awards will be available in relation to the provision of written comments; participation in the stakeholder forum and stakeholder meeting; and such other consultation activities as may be advised. Further details will be provided in due course.

##### **Cost Awards**

When determining the amount of the cost awards, the Board will apply the principles set out in section 5 of its *Practice Direction on Cost Awards*. The maximum hourly rates set out in the Board's Cost Awards Tariff will also be applied. The Board expects that groups representing the same interests or class of persons will make every effort to communicate and co-ordinate their participation in this process.

The Board may use the process set out in section 12 of its *Practice Direction on Cost Awards* to implement the payment of the cost awards. In that case, the Board will act as a clearing house for all payments of cost awards in this consultation.

## Appendix B

### ***Energy Consumer Protection Act, 2010 Review*** **EB-2014-0158**

#### **Filing Instructions**

Three (3) paper copies of each filing must be provided, and should be sent to:

Kirsten Walli  
Board Secretary  
Ontario Energy Board  
P.O. Box 2319  
2300 Yonge Street, Suite 2700  
Toronto Ontario M4P 1E4

The Board requests that interested parties make every effort to provide electronic copies of their filings in searchable/unrestricted Adobe Acrobat (PDF) format, and to submit their filings through the Board's web portal at <https://www.pes.ontarioenergyboard.ca/eservice/>. A user ID is required to submit documents through the Board's web portal. If you do not have a user ID, please visit the "e-filings services" webpage on the Board's website at [www.ontarioenergyboard.ca](http://www.ontarioenergyboard.ca), and fill out a user ID password request. Additionally, interested parties are requested to follow the document naming conventions and document submission standards outlined in the document entitled "RESS Document Preparation – A Quick Guide" also found on the e-filing services webpage. If the Board's web portal is not available, electronic copies of filings may be filed by e-mail at [boardsec@ontarioenergyboard.ca](mailto:boardsec@ontarioenergyboard.ca).

Those that do not have internet access should provide a CD containing their filing in PDF format.

Filings to the Board must be received by the Board Secretary by **4:45 p.m.** on the required date. They must quote file number **EB-2014-0158** and include your name, address, telephone number and, where available, your e-mail address and fax number.

If the filing 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 making the filing available for viewing at the Board's offices or placing the filing on the Board's website, the Board will remove any personal (i.e., not business) contact information from the filing (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 filing will be available for viewing at the Board's offices and will be placed on the Board's website.