

August 19, 2016

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

Via web portal and by courier

Dear Board Secretary:

Re: Board File no. EB-2016-0179

Proposed amendments to Codes and Rules to introduce formal requirements for a Consumer Complaint Response Process for Regulated Entities

To Whom It May Concern,

The Electricity Distributors Association (EDA) represents the collective voice of Ontario's local electricity distribution sector, which safely and reliably delivers power to millions of homes, businesses and public institutions. The EDA draws together under a single umbrella approximately 66 of the local distribution companies (LDCs) that deliver electricity to homes and businesses across Ontario. The distribution sector as a whole employs 10,000 people directly, holds \$19 billion in assets, and makes hundreds of millions of dollars annually in direct contributions to both municipal and provincial revenues.

The EDA welcomes the opportunity to provide comments on the OEB's proposed amendments to various codes and rules to formalize a consumer complaint response process for regulated entities. LDCs have a long standing reputation for handling consumer complaints that come to them directly or through the OEB effectively and punctually and many of the proposed amendments are already an integral part of the LDCs' customer service operations.

Proposed Amendments to the Distribution System Code (DSC)

Section 1.2

The definition of "holiday" is being amended in Section 1.2 to have the same meaning given to it in Section 87 of the *Legislation Act, 2006*. The EDA would like to note that the Civic Holiday, which is celebrated on the first Monday of August, is not included in the definition as it is not considered a statutory holiday in Ontario. However, LDCs offer that day as a work holiday to their employees, as commonly practiced by the federal and municipal governments. Given that LDCs will have a mandatory number of days to respond to a consumer complaint received from

the OEB and will lose a working day on Civic Holiday, the EDA recommends that the OEB add Civic Holiday in its definition of “*holiday*” in Section 1.2.

Section 10.1

The EDA recommends that the OEB clarify in its handbook if LDCs will be assigned a specific “*account representative*” as the “*Designated OEB staff*” for managing specific LDC’s Consumer Complaint Response Process. LDCs have advised the EDA that they have experienced inconsistencies when they have communicated with different OEB staff and recommend an assigned OEB staff member to manage the LDCs’ activities to resolve a consumer complaint.

Section 10.2

LDCs have a commendable record of handling customer calls and efficiently resolving consumer complaints. If a consumer deems their complaint unresolved by the LDC, then the LDC informs the consumer that they have the option to escalate their complaint to the OEB. Providing the OEB’s information before an LDC has the opportunity to resolve the consumer’s complaint may confuse the consumer. Therefore, the following additions (in italics) are recommended to Section 10.2:

“When a consumer contacts a distributor and makes a complaint *and that complaint remains unresolved by the distributor in the consumer’s opinion*, the distributor shall inform the consumer that the consumer can contact the OEB at any time, and shall at the time provide the consumer with the OEB’s designated toll-free telephone number or local telephone number (as requested by the consumer), and the website address designated by the OEB for that purpose.”

Including this proposed change in the section will allow LDCs the opportunity to resolve the consumer’s complaint before it needs to be escalated to the OEB.

Section 10.3

The EDA requests clarification if LDCs are required to resubmit the email address if they have already provided the required information on a previous occasion. Administration of contact changes and updates would ideally be managed through additional functionality in the E-portal system.

Section 10.4

It is recommended that 10.4(b) is changed to the following (in italics) to ensure that the OEB’s inquiries are handled in a timely manner:

(b) an alternate contact person designated by the distributor as the backup of the distributor’s contact person for purposes of the Consumer Complaint Response Process.

Section 10.6

Subsection (a) gives the LDC two business days to provide information on a consumer complaint related to a disconnection notice or any other complaint designated as having an unduly adverse impact on the consumer. While LDCs respond as quickly as possible to the OEB, the

information requested may not be readily available due various resource constraints such as high volume of urgent requests or diversion of resources due to large outages. Therefore, it is recommended that the OEB allow four business days for the LDC to respond to a complaint related to a disconnection notice or any other designated adverse condition. This will not only ensure that the LDC provides the OEB with all the information required under Section 10.7 of the DSC, but will also likely reduce the number of requests for an extension from the LDC.

Section 10.7

The EDA recommends that a section be added to the handbook guiding the Consumer Complaint Resolution Process to establish a protocol for the OEB that states that if the consumer contacts the OEB regarding a complaint and informs the OEB that they have not previously contacted their respective LDC about the issue, then the OEB should direct the consumer to contact the LDC directly to give the LDC the opportunity to resolve the issue first.

Section 10.8

Similar to Section 10.6, the EDA recommends that the LDCs be allowed four business days to provide any additional information requested by the OEB.

Section 10.9

The EDA requests that the OEB provide further clarification on this section in the OEB's handbook related to the consumer complaint resolution process. Specifically, the EDA requests that the OEB provide examples of the information the LDCs will need to provide to the OEB to meet the requirements of this section.

Section 10.10

There is concern that the timeline to request an extension at least one day prior to the expiry of the applicable deadline is too short for LDCs and also for the Designated OEB staff as they will have less than one business day to respond to the LDCs' request. Therefore, the EDA recommends that the timeline to request an extension on a complaint resolution be two business days prior to the expiry of the applicable deadline so that the Designated OEB staff has adequate time to respond to the LDC and the LDC also has sufficient time to understand if their extension request was granted.

Section 10.11

Further to our comments in Section 10.10, the EDA recommends that the Designated OEB staff respond within one business day of receiving the request for the extension so that the LDC has reasonable time to complete the work if the LDC only receives a partial extension or is denied the extension.

Enhancements to the OEB's E-Portal

According to the proposed amendments, the LDC will be required to use the OEB's E-portal to file the information requested. However, a lot of the necessary functionalities are currently not available in the E-portal. The following functionalities will need to be added and/or enhanced to ensure LDCs can comply with the Consumer Complaint Resolution Process requirements:

- Ability for the LDC to view historical information related to all files;
- Ability to amend documents after they have been uploaded prior to the expiry of the timeline pertaining to the request;
- The E-Portal should have a set up similar to the RRR filing portal where there is a “yes” or “no” option to submit final documents;
- Ability to view and update LDC contact information on the E-portal;
- Addition of audit trails as the portal currently does not have that functionality, making it difficult for LDCs to track progress on a file and to check the current status of a complaint
- Improvements to the formatting of the saved PDF version of the response document template is required. Currently the document does not save/print in a professional and easily legible format;
- Printing the original document, draft or saved response from the E-Portal should be more user friendly;
- Addition of a confirmation email once LDCs have uploaded and submitted the required documents. It is recommended that, similar to the OEB’s RSS website, that LDCs receive an email confirming that all their documents have been successfully uploaded and received by the OEB; and
- The OEB will need to add the functionalities that will be required for LDCs to comply with Section 10.9 of the proposed code amendments.

Other Comments

LDCs make it a priority to address and resolve any direct and indirect consumer complaints in an effective and timely manner. To ensure that the LDC is aware that it has handled a consumer complaint to the consumers’ satisfaction, it is recommended that the OEB notify the LDC when a complaint has been resolved and therefore the file is closed. Also, the EDA requests that the OEB provide copies to LDCs of any communications that are sent to the consumer from the OEB regarding the consumers’ complaint. This will allow the LDC to update their records for the consumer and handle any inquiries if the consumer calls the LDC directly.

The EDA also requests that the OEB consider reviewing the standard/automated email reply that is sent to the consumer once a response has been provided by the LDC through the E-portal. The language and message should be clear so that the customer has clear expectations of the process of whether they will receive a copy of the LDC response directly from the OEB or from the LDC and also of the timing of receiving that response. This will ensure that consumers are not confused about who they should contact if they do not receive the response by a certain time.

The EDA would also recommend that Designated OEB Staff respond directly with consumers when the complaint is about OEB Codes with which an LDC is required to comply. For example, when an LDC bills for other services and a consumer complaint relates to the allocation of a payment to electricity charges first, the Designated OEB Staff should intercept this type of complaint when the consumer calls in to file a complaint and resolve the issue with the

consumer as opposed to sending out a complaint to the LDC when the LDC is compliant with OEB Code.

The OEB is planning to develop a handbook that will provide direction on a number of matters relating to this complaint resolution process. The EDA recommends that the handbook be issued at the same time as these regulatory amendments come into force and that the E-Portal is updated as required so that LDCs have the proper direction and the necessary web functionalities to comply with the new requirements. It is also recommended that the following information be included in the handbook:

- Roles and responsibilities as well as timelines for both LDC and OEB staff in relation to the Consumer Complaint Resolution process;
- Information about the OEB's intake process when a consumer makes contact so that the LDCs and the OEB are aligned in their responses;
- Clarification if the "Designated OEB staff" indicates an OEB department or a specific OEB employee assigned to a specific LDC;
- More information, including examples, of what the OEB defines as a complaint designated as "having an unduly adverse impact" on the consumer; and
- More information, including examples, of what information the LDC needs to provide to the OEB to inform the regulator that all outstanding steps to resolve a complaint have been completed.

Lastly, the EDA requests that the OEB hold webinars once all the enhancements are completed to the OEB E-portal so that LDCs can become familiar with the new sections and requirements.

The EDA does not have comments to the amendments proposed to the other codes and rules.

Thank you again for the opportunity to provide comments on this consultation. We look forward to the next steps in this consultation process.

Sincerely,



Justin Rangooni
Vice President, Policy and Government Affairs

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