



October 5th, 2016

Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
Box 2319
2300 Yonge St, 27th Floor
Toronto, ON M4P 1E4

Via Email: Boardsec@ontarioenergyboard.ca & Courier

Dear Ms. Walli;

Re: Response to OEB File No. EB-2015-0268 (September 8th, 2016)

Further to the Ontario Energy Board's Notice of September 8th, 2016, Onit Energy Ltd., ('Onit') respectfully submits the following commentary. Supporting documents are attached under separate cover.

1. Revised Proposed Amendments to the Retailer Code and the Marketer Code regarding Plain Language Contracts.

Onit's position is to respectfully oppose the OEB's proposed standardized contract for the following reasons:

- a) **Flexibility:** Businesses require flexibility to operate efficiently. Our concern centres on contractual terms and conditions we may require within an agreement to better protect all parties involved; however, those salient points may be rejected at the approval process. Our Legal Department feels there may be an exposure should requisite wording be withheld and/or modified or not approved in its entirety by the OEB thus potentially exposing both Onit and the OEB to unwarranted legal challenges.
- b) **Timeframe:** Businesses today must respond to the demands of the marketplace and the consumer immediately. Onit would be more comfortable if certain turn-around assurances were provided for reviewing contracts the consumer could be serviced in a timely fashion.
- c) **Contract Review:** Onit has submitted copies of our January 1, 2017 proposed contract for review and approval.

2. Revised Proposed Amendments to the RSC and the GDAR Mandating a Written Notice of Switch

- a) Onit opposes the proposed 'Notice of Switch Letter' to consumers prior to flow. With all due respect, the consumer:
 - i. Is no longer pressured into an immediate sale;
 - ii. Has up to forty-five (45) days to approve the transaction or its void through the Third Party Verification process.
- b) Onit's firmly opposes any switch letter being dispatched to large, unregulated consumers. '*...the OEB does not believe that their receipt of the notice is problematic.*' It could be highly arguable that the OEB may not have authority to authorize Switch Letters to the unregulated market sector.

In any case, should the OEB continue to proceed with the Switch Letter, Onit believes the proposal should be postponed indefinitely until the LDC can systematically segment its database to include only regulated consumers.

3. *Revised Proposed Verification Call Script*

- a) Onit Energy respectfully disagrees with the proposed Verification Script; it is still far too onerous from a commercial consumer's viewpoint and contradicts the consumer focus group's wishes for simplicity. Commercial consumers do not have the time to answer 20+ questions while, simultaneously, trying to run their business.
- b) Onit has submitted a revised script that, in our opinion, protects the consumer and achieves the same outcome as the current scripting.

4. *Energy Retailer Scorecard*


- a) Onit fully supports any form of transparency that will enable the Small Volume consumer to be better informed when choosing a potential retailer. We, therefore, respectfully suggest the following when considering the "track record" for any retailer:
 - i. Only Retailer Code and ECPA violations are included in the scorecard;
 - ii. The scorecard only pertains to regulated, Small Volume clients.
 - iii. Only one complaint is allowed per small volume client. Multiple locations should not be allowed to count as multiple complaints.
- b) Retailers should be involved in the scorecard process including the mathematics used in developing the proposed ranking or index.

5. *Online Verification*

- a) Onit requests that the OEB defer any changes to the current rules regarding online verification until the rules are clearly delineated.
- b) The OEB recognizes the need for online verification from both from the Retailer standpoint as well as that of the Consumer. The current rules regarding online enrollment allow the Consumer to verify their enrollment at their leisure, without any pressure.
- c) There is no better mechanism in place for the Consumer to research prior their choices and then to decide if they wish to enroll themselves in a program offered by the Retailer.

We thank the Board for welcoming Retailer input. Given that the January 1st, 2017 deadline is quickly approaching, we ask that our contract be reviewed and assessed as soon as possible.

Warmest regards,



David Balaban
President & COO
ONIT Energy Ltd.