



PUBLIC INTEREST ADVOCACY CENTRE  
LE CENTRE POUR LA DÉFENSE DE L'INTÉRÊT PUBLIC

January 28, 2019

VIA E-MAIL

Christine E. Long  
Registrar and Board Secretary  
Ontario Energy Board  
Toronto, ON

Dear Ms. Long:

**Re: EB-2018-0319 – Application for approval to continue the existing financial terms associated with offering Open Bill Access services for the years 2019 and 2020  
Preliminary Position on Questions in Procedural Order No. 10**

In Procedural Order No. 10, dated January 16, 2020, the OEB asked parties to provide their initial positions on the two unsettled items. These are VECC's initial position. We may modify or change these positions subsequent to our examination of the parties at the hearing of January 30, 2020.

**1. What control should OBA customers have over the addition, removal and reinstatement of third-party charges on their Enbridge Gas bill through the OBA services?**

It is the position of VECC that customers must have complete and effective control over any non-regulated billing provided on the regulated utility's bill. Effective control means that customers must be aware at all times that:

- the OBA billing option is a service of their regulated utility;
- there is no requirement for this service to be used by the customer
- no relationship exists between the services of the regulated utility and those of other service providers;
- all payments are first applied to regulated services;
- there are no consequences for any regulated service of non-payment of an OBA service.

**2. What restrictions, if any, should be placed on billing OBA customers for penalties, exit or termination fees, or similar charges through the Enbridge Gas bill?**

It is VECC's position that OBA billing is for the sole purpose of billing monthly services or monthly payments of an appliance. Penalties and exit fees are the consequence of the termination of a monthly payment plan and as such should not be eligible for OBA billing. A customer terminating its service with a non-regulated OBA biller is properly separately and under the terms of its contract with the third-party provider.

It is VECC's view that third-party billing is highly undesirable due its conflation by many customers with the monopoly services of the regulated service: it is best eliminated and the Board should work towards achieving this result. While we recognize there are marginal revenue offsetting benefits to ratepayers, on the whole we believe, especially for low-income consumers who may be poorly informed on the intricacies of third-party billing, that in the long-run OBA services should be completely eradicated.

In the meanwhile, we request a "waiver of reasonably disputed charges for first-time disputes" to apply to all third-party charges and an requirement that the regulated utility or the third-party biller advise customers who are disputing their service charges that they can have first-time dispute charges from third-party billers removed from their regulated services bill by the regulated utility.<sup>1</sup>

Yours truly,

*John Lawford*

Counsel for VECC

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<sup>1</sup> For a similar rule in telecommunications regulation, as well as additional consumer transparency requirements, see: Telecom Decision CRTC 2005-19, 900 service - Agreements and consumer safeguards (30 March 2005), esp. at paras. 190-191; online: <https://crtc.gc.ca/eng/archive/2005/dt2005-19.htm>