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BY EMAIL AND WEB POSTING

JULY 15, 2020

**NOTICE OF PROPOSAL TO AMEND
THE STANDARD SUPPLY SERVICE CODE**

OEB FILE NO.: EB-2020-0152

**To: All Licensed Electricity Distributors
All Licensed Electricity Retailers
All Licensed Unit Sub-Meter Providers
Independent Electricity System Operator
All Participants in Consultation Process EB-2020-0152
All Other Interested Parties**

The Ontario Energy Board (OEB) is giving notice under section 70.2 of the *Ontario Energy Board Act, 1998* (OEB Act) of proposed amendments to the [Standard Supply Service Code](#) (SSSC) to enable electricity consumers on the Regulated Price Plan (RPP) to opt out of time-of-use (TOU) prices and to elect instead to be charged on the basis of tiered pricing.

A. Background

On June 1, 2020, the Government of Ontario announced that it intends to introduce customer choice for RPP consumers who pay TOU prices. This initiative would allow those consumers to opt out of TOU pricing in favour of tiered prices starting November 1, 2020. The Ministry of Energy, Northern Development and Mines indicated that it was

looking to the OEB to develop, in consultation with electricity distributors and other stakeholders as appropriate, the rules to implement that customer choice initiative.

On July 3, 2020, the Government posted a [notice](#) on the Regulatory Registry of proposed amendments to O. Reg. 95/05 (Classes of Consumers and Determination of Rates) under the OEB Act that would “impose a requirement on the OEB to require distributors to permit RPP TOU customers to elect instead to be charged tiered prices for electricity starting November 1, 2020.” The Government notice confirms that the proposed amendments would also “provide that the Ontario Energy Board (OEB) will establish rules for how RPP TOU customers can elect to switch out of TOU pricing.”

B. Purpose of Proposed Amendments

In accordance with the Government’s proposed amendments to O. Reg. 95/05, the OEB’s proposed amendments to the SSSC would, effective November 1, 2020, require distributors to allow RPP consumers to opt out of TOU prices and elect to be charged tiered prices, and would establish rules for how consumers can do so, including rules about:

- the form and content of the notice to be provided by the RPP consumer to the distributor
- the timing for the distributor to give effect to that notice
- an RPP consumer’s ability to switch back to TOU prices after having elected to be charged tiered prices

Inherent in the Government’s proposed regulatory amendments is the element of customer choice: the TOU price structure remains the default, and it will fall in all cases to the consumer to take action to elect into the tiered price structure.

The OEB will not implement amendments to the SSSC until such time as the amendments to O. Reg. 95/05 proposed by the government are made.

C. Consultation to Date

On June 3, 2020, the OEB issued a [letter](#) initiating a consultation to inform the development of amendments to the SSSC and other regulatory instruments as required in order to ensure the timely, efficient and effective implementation of the new opt-out mechanism.

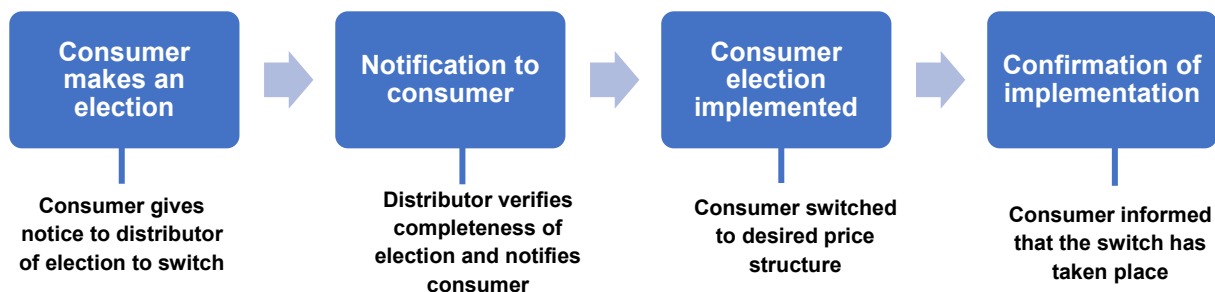
A stakeholder meeting was held on June 9, 2020, with over 100 participants. A 20-member TOU Customer Choice Working Group (Working Group) was then established, comprising distributors, representatives of consumers and other stakeholders. The Working Group met four times in June. Materials from these meetings are posted on the [webpage for this initiative](#). The OEB also took steps to hear directly from consumers through the OEB's [consumer engagement webpage](#) in parallel to the stakeholder consultation process. As of the day this Notice was issued, no comments had been received via the webpage.

D. Summary of Proposed Amendments

The complete text of the proposed amendments is set out in the Appendix to this Notice, shown as changes against the current version of the SSSC. The OEB has also used this opportunity to revoke certain provisions of the SSSC that are spent. A summary of the key elements of the proposed amendments is provided below.

The Election Process

The overall design of the election process that underlies the proposed amendments to the SSSC comprises four steps:



There was broad support from the Working Group for this approach. Much of the discussion in the Working Group was on the details of each step.

Consumer Makes an Election

The first step concerns how an RPP consumer can give effect to their decision to opt out of TOU pricing. The proposed amendments make provision for an RPP consumer to provide notice to their distributor of their election to switch from TOU to tiered pricing. Distributors would be required to make an election form available on their website and to anyone who requests it. Distributors would be required to accept the election form by email or mail at a minimum. Distributors would retain the option to allow the form to be

completed online or by telephone, and are encouraged to do so to facilitate customer choice if cost-effective to do so. In the OEB's view, this approach represents an appropriate balance between facilitating the election process for RPP consumers while minimizing implementation costs.

While the OEB is not proposing to prescribe the election form at this time, the proposed amendments would require distributors to use an OEB-approved election form should the OEB consider it appropriate to prescribe one in the future. Absent an OEB-prescribed election form, it would be up to each distributor to develop one. To facilitate the implementation of the TOU opt-out process, the OEB expects to develop a template election form that distributors may adapt and use if they wish.

The OEB expects distributors to make the election form as simple as possible, and to that end the proposed amendments require that the form may only require such information as is reasonably necessary for the distributor to process the RPP consumer's election.

The proposed amendments make it clear that an RPP consumer can choose tiered prices when opening a new account, moving from a contract with an electricity retailer to standard supply service, or returning to the RPP from market-based pricing. Distributors would be required to advise such consumers of this option in the course of processing any of these changes, and to implement any elections made such that they are effective as of the start of the customer's first billing period reflecting the new account or account change. The OEB believes that implementation of the election in such cases should not need to be subject to the requirements applicable to elections made at other times, including the implementation timeline. The OEB would be assisted by stakeholder comment on this proposed approach.

Distributor Notification to Consumer

The OEB believes it important that consumers be advised about the status of their election. Accordingly, the second step of the process would require a distributor, following review of the consumer's election form, to notify the consumer either: (a) when the election will take effect, or (b) that the election cannot be processed, together with an explanation of how the form is incomplete or otherwise deficient (e.g., because the person submitting the form is not authorized to make changes to the account, or the customer and/or account cannot be verified, or the account is being provided with electricity under a retail contract). The proposed amendments would require this notification to be given within 10 business days of receipt of the consumer's election form and would require that the notice be provided separately from any other

communication from the distributor to the customer. The notice would also be required to be provided using the same communication channel by which the consumer made the election – ie, online, by phone, by mail or e-mail.

The OEB also believes it important that customers be notified, in the confirmation notice, of when the switch in pricing structures will become effective. In the OEB's view, a customer-specific message that identifies the date on which tiered pricing will start to apply would be optimal. However, OEB staff heard from distributors in the Working Group that it could be operationally difficult and costly for them to specify this level of detail. Accordingly, the proposed amendments allow some flexibility for distributors to either provide the consumer with the effective date of the switch or to provide a more generic message that refers to the change in pricing structure taking effect at the start of the consumer's next billing period. This approach represents an appropriate balance between facilitating the election process for RPP consumers while minimizing implementation costs. As additional experience is gained with the customer choice process, the OEB may consider mandating a more precise and customer-specific message at a later date.

Distributors that choose to use a more generic message will be required to provide or refer the RPP consumer to supplementary information to enable the consumer to understand what a billing period is and to determine when their next billing period is expected to start. As with the election form, the OEB does not intend to prescribe the form of notification at this time, but may do so in the future if the need arises.

Consumer Election Implemented

The third step involves the distributor making such changes as may be required to ensure that the RPP consumer's election is given effect (assuming that the election form is not incomplete or otherwise deficient).

The proposed amendments would require distributors to switch the consumer to tiered pricing effective at the beginning of a new billing period. This approach is consistent with how other account/billing changes are implemented in the normal course.

The time the distributor receives a complete election relative to a given customer's billing period will determine when the price change is implemented. This approach reflects the need to provide an appropriate lead time for distributors to process requests while at the same time providing a simple and standard processing expectation for consumers.

The OEB proposes that the price change be effective:

- at the beginning of the consumer's first billing period after the election form is received, if it is received at least 10 business days before the beginning of that billing period; or
- in any other case, at the beginning of the second billing period after the election form is received, if the distributor is unable to give effect to it at the beginning of the first billing period.

To illustrate by way of a generic example, if a consumer's billing period corresponds to the calendar month, and the consumer were to submit the form by email on January 9, the distributor would begin applying tiered prices to the consumer's consumption on February 1, and the consumer's bill for February would reflect the new pricing structure. If the consumer were to e-mail the form on January 29, the election would not take effect until March 1. There was broad support for the 10 business day timeline among the members of the Working Group.

As noted earlier, the above timeline would not apply where the consumer's election is made when opening a new account or during the course of another account change.

Confirmation of Implementation

The fourth and final step in the process would be a confirmation provided to the consumer that the switch to tiered pricing has taken place. The OEB is of the view that this is best accomplished by means of a one-time message on the customer's bill, and is proposing to amend the SSSC accordingly.

The OEB expects distributors to make the message simple and to the point. The message would be required to appear on the first bill issued to the consumer that reflects the switch to tiered prices. However, the proposed amendments would allow a distributor to include the message on the subsequent bill if other mandatory bill messages would leave no room for this message on the first bill. This approach accommodates concerns expressed by certain members of the Working Group regarding availability of space on the bill for messages at any given time.

Inclusion of the message on the first bill that reflects the switch to tiered pricing is optimal for consumers, and the OEB anticipates that inclusion of the message on the second bill will be the exception. As a means of measuring the frequency of performance in respect of this requirement, the OEB is proposing a reporting requirement that would apply to any distributor that fails, at least once in any calendar

quarter, to include a message on the first bill issued to the customer that reflects the switch to tiered prices. In these instances, the distributor would be required to report to the OEB the number of customers switched in the quarter who received the on-bill message with the first bill that reflects the new price structure, the number of customers switched in the quarter who received the on-bill message with the subsequent bill that reflects the new price structure, and the reasons for all cases where the message could only appear on the subsequent bill. Any required quarterly reports would be due to be filed thirty days after the end of the calendar quarter.

Record-keeping Requirements

In order to ensure that consumer-facing activities and transactions can be verified in the event of a dispute and enable the OEB to monitor implementation of the customer choice initiative more generally, it is proposed that distributors be required to retain for two years all records of consumer interaction and consumer notification generated through the TOU opt-out process, and any other records to demonstrate compliance with the TOU opt-out provisions of the SSSC. In the event that a distributor allows elections to occur by telephone, all interactions with consumers pertaining to customer choice that takes place over the phone must be recorded.

Switching Back to TOU

Under the proposed amendments, anyone who elects to switch from TOU to tiered pricing can choose to switch back at any time. At this time, the OEB does not believe that there is a need to impose any limits on the frequency of switching, and will allow maximum flexibility for consumers who, for whatever reason, wish to again be on TOU pricing. The OEB will monitor the issue over time to see if any limitations to the frequency of switching are warranted.

Generally, the proposed amendments require that the switch back to TOU from tiered pricing be subject to the same requirements as the switch from TOU to tiered pricing. For instance, the RPP consumer would need to submit an election form, and the election would take effect at the start of the next billing period as long as the form is received at least 10 business days in advance.

To be clear, RPP consumers that are on tiered prices because they do not have a smart meter or access to adequate metering infrastructure are not able to switch to TOU prices. A conventional meter is not capable of measuring a customer's consumption in a given time interval.

Information for Consumers

The OEB believes it essential that consumers have access to information to assist them in understanding and assessing their pricing options. Members of the Working Group agreed with the importance of clear communication and tools to support their decision-making. The OEB expects distributors to make materials available to support decision-making by their customers. The OEB is considering what materials or tools would be appropriate for the OEB to develop for use by consumers, and that distributors may then also use if they wish rather than developing their own. To that end, the OEB expects to re-engage with stakeholders on this topic in the near term.

To support the provision of consistent and effective consumer information, the proposed amendments would enable the OEB to prescribe the format and content of consumer information materials to be used by distributors regarding customer choice. Although the OEB does not intend to do that at this time, it may choose to do so in order to raise awareness about customer choice and ensure that RPP consumers across the province consistently have the information they need to choose the price plan that is right for them.

Preparation of Billing Quantities by the Smart Metering Entity

All distributors currently receive billing quantities for residential and general service less than 50 kW TOU customers from the Independent Electricity System Operator (IESO) in its capacity as the Smart Metering Entity (SME). Under the proposed amendments, the SME would continue to perform this function for any residential or general service less than 50 kW RPP consumer that makes the switch to tiered pricing.

Some distributors indicated they would prefer to continue to receive TOU billing quantities from the SME and apply the tiered pricing through their own processes, since it would enable them to keep a portion of their current billing process unchanged. However, such an approach could lead to fragmentation in data regarding RPP customer choice activity that could increase reporting requirements expected of distributors. Retaining the SME's role in determining billing quantities independent of pricing structure would facilitate the centralized collection and reporting of data the OEB expects to require as an input to RPP price setting (such as reporting on the number of RPP consumers that have switched from TOU to tiered, and the associated load shape and energy volumes). This data would otherwise be required to be reported by distributors in addition to data related to the switching activity by general service greater than 50 kW RPP consumers, details regarding which will be set out in due course. Using this and other data, the OEB will be able to monitor how consumers respond to

the choice of RPP pricing structures so that it can continue to set RPP prices that recover the forecast cost of electricity over time, including considering whether any required adjustments to RPP pricing structures may be necessary to ensure that prices continue to be effective in doing so.

Changes to Consumer-Facing Materials for Retailers

The OEB intends to make changes to the OEB-approved price comparison templates that retailers are required to provide to low-volume consumers, in order to compare the retail price not only to TOU prices but also to tiered prices. Changes to other consumer-facing materials currently required to be used by electricity retailers may also be implemented. Proposed changes to the price comparison templates and, if required, to other consumer-facing materials will be issued for comment in due course.

Housekeeping Amendments

The OEB proposes to make some housekeeping amendments to the SSSC. In particular, some transitional provisions that relate to the introduction of the TOU pricing regime several years ago are no longer needed.

E. Coming into Force

The government's proposal to amend O. Reg. 95/05 provides for customer choice to be in place as of November 1, 2020. As noted earlier, the OEB will not implement amendments to the SSSC until such time as those amendments have been made.

The OEB proposes that the amendments to the SSSC would come into force on October 13, 2020. This would allow distributors as much time as possible to implement the necessary system changes and make the election form available, while still enabling consumers to submit the form in time for the election to take effect in respect of a billing period that begins on or after November 1, 2020.

The OEB would be assisted by stakeholder comment on whether distributors should be permitted to accept election forms before October 13, 2020, if they are able to do so, and if the October 13 start date provides sufficient time to RPP consumers who may not have access to electronic means for purposes of receiving and submitting their election forms.

F. Anticipated Costs and Benefits

Under the Government's proposed amendments to O. Reg. 95/05, the OEB would be mandated to require distributors to permit RPP consumers to opt out of TOU pricing starting November 1, 2020. Although the OEB has heard from some distributors that meeting the November 1, 2020 deadline will be a challenge, the costs and benefits of that timing – and of the customer choice initiative more broadly – are outside the scope of this consultation.

The proposed amendments to the SSSC deal mainly with operational implementation matters. In developing these operational rules, the OEB has striven to minimize implementation costs for distributors while at the same time ensuring that the election process is clear, easy and speedy for consumers and that consumers have access to the information they need to choose the price plan that is right for them. The OEB believes the proposed amendments strike an appropriate balance in that regard.

G. Cost Awards

In a [decision](#) dated June 11, 2020, the OEB determined that the following stakeholders are eligible for cost awards in relation to the OEB's consultation on enabling customer choice, to be recovered from all rate-regulated licensed electricity distributors based on the number of customers they serve:

- Building Owners and Managers Association Toronto
- Consumers Council of Canada
- London Property Management Association
- Low Income Energy Network
- Vulnerable Energy Consumers Coalition

These stakeholders are eligible to claim costs in connection with the preparation of written comments on the proposed amendments to the SSSC, to a maximum of 8 hours.

H. Invitation to Comment

Implementing the customer choice initiative by November 1, 2020 will require distributors to make system and other changes within a relatively short period of time. Distributors therefore need to know what the OEB's final rules will look like as soon as possible.

To accommodate finalization of the proposed amendments on a timely basis such that distributors have adequate time to make the necessary system and other changes, written comments on the proposed amendments will be due no later than **July 29, 2020**. Interested parties are encouraged to be comprehensive in their comments. Where an interested party wishes to propose an alternative to a proposed amendment, the alternative should be described in adequate detail and be supported by a cogent rationale.

All materials filed with the OEB must be submitted in a searchable / unrestricted PDF format with a digital signature through the OEB's web portal at <https://pes.ontarioenergyboard.ca/eservice>. Filings must clearly state the sender's name, postal address, telephone number, fax number and e-mail address. Parties must use the document naming conventions and document submission standards outlined in the RESS Document Guidelines found at <http://www.oeb.ca/OEB/Industry>. If the web portal is not available, parties may email their documents to boardsec@oeb.ca.

Filings to the OEB must be received by the Board Secretary by **4:45 p.m.** on the required date. They must quote file number **EB-2020-0152** and include your name, address, telephone number and, where available, your email address and fax number. If the filing is from an individual consumer (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 OEB's offices or placing the filing on the OEB's website, the OEB will remove any personal (i.e., not business) contact information from the written comment (i.e., the address, phone number, and email address of the individual). However, the name of the individual and the content of the filing will be available for viewing at the OEB's offices and will be placed on the OEB's website.

This Notice and all written comments received by the OEB in response to it will be posted on the [webpage for this initiative](#).

If you have any questions regarding this Notice, please contact Shona Adamson at shona.adamson@oeb.ca. The OEB's toll-free number is 1-888-632-6273.

DATED July 15, 2020

ONTARIO ENERGY BOARD

Original Signed By

Christine E. Long
Registrar and Board Secretary

APPENDIX
PROPOSED AMENDMENTS TO THE STANDARD SUPPLY SERVICE CODE (SSSC)

JULY 15, 2020

(Comparison Version of the SSSC Attached)



Ontario Energy Board

Standard Supply Service Code for Electricity Distributors

Revised ~~XX~~March 1, 2020

(Replacing version issued on March 1, 2020~~14~~,
~~2019~~)

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1 GENERAL AND ADMINISTRATIVE PROVISIONS

1.1 Purpose of this Code

- 1.1.1 This Code establishes the manner in which a distributor must provide standard supply service to meet its obligation to sell electricity under section 29 of the Electricity Act or to give effect to rates determined by the Board under section 79.16 of the Act.
- 1.1.2 This Code provides for three regimes applicable to the commodity price for electricity provided as standard supply service:
- (a) spot market-based pricing for non-RPP consumers and electing spot consumers (section 3.2);
 - (b) the Board's regulated price plan contemplated in section 79.16 of the Act for RPP consumers with conventional meters, [and for RPP consumers with eligible time-of-use meters who have elected to be charged on the basis of this regulated price plan in accordance with section 3.5](#) (section 3.3); and
 - (c) the Board's regulated price plan contemplated in section 79.16 of the Act for RPP consumers with eligible time-of-use meters (section 3.4).

1.2 Definitions

- 1.2.1 In this Code, unless the context otherwise requires:

"Accounting Procedures Handbook" means the document approved by the Board that sets out principles, requirements, procedures and practices for preparing and maintaining electric utility accounting records and financial information;

"Act" means the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, Schedule B;

"Board" means the Ontario Energy Board;

"business day" means any day other than a Saturday or a holiday;

"Code" means this Standard Supply Service Code;

"consumer-specific information" means information relating to a specific consumer obtained by any person through the process of selling or offering to

sell electricity to the consumer, and includes information obtained without the consent of such consumer;

“conventional meter” means a meter other than an eligible time-of-use meter;

“Distribution System Code” means the code issued by the Board which, among other things, establishes the obligations of a distributor with respect to the services and terms of service to be offered to customers and retailers and provides minimum technical operating standards of distribution systems;

“electing spot consumer” means a consumer that is, in accordance with the regulations, eligible to pay the commodity price for electricity determined by the Board under section 79.16 of the Act but that has, in accordance with section 79.16(4) of the Act and the regulations, elected to pay the commodity price for electricity referred to in section 3.2.1A or 3.2.2;

“Electricity Act” means the *Electricity Act, 1998*, S.O. 1998, c. 15, Schedule A

“Electricity Distribution Rate Handbook” means the document approved by the Board that sets out the methodology for calculating rates and other charges for electrical distribution service;

“eligible low-income customer” has the same meaning as in the Distribution System Code.

“eligible time-of-use meter” means an interval meter or a meter that measures and records electricity use during each of the periods of the day referred to in section 3.4.1 cumulatively over a meter reading period;

“final RPP variance settlement amount” means the amount charged or credited to an RPP consumer in accordance with section 3.7;

“first term commencement date” means April 1, 2005 or such later date as may be prescribed by regulation as the date on which rates determined by the Board under section 79.16 of the Act take effect;

“holiday” means a holiday described in section 88 of the *Legislation Act, 2006*, S.O. 2006, c. 21, Sched. F as well as the August Civic Holiday;

“IESO” means the Independent Electricity System Operator continued under the Electricity Act;

“interval meter” means a meter that measures and records electricity use on at least an hourly basis;

~~“mandatory TOU date” means the date determined by the Board as the date on which the commodity pricing provisions of section 3.4 become mandatory;~~

“non-RPP consumer” means a consumer that is not an RPP consumer;

“regulation” means a regulation made under the Act or the Electricity Act;

“Retail Settlement Code” means the code issued by the Board which, among other things, establishes a distributor’s obligations and responsibilities associated with financial settlement among retailers and customers and provides for tracking and facilitating customer transfers among competitive retailers;

“RPP consumer” means a consumer that pays the commodity price for electricity referred to in section 3.3 or 3.4;

“RPP Manual” means the document adopted by the Board which sets out the manner in which the Board will determine prices and other matters for the purposes of or in relation to sections 3.3 to 3.7;

“second term commencement date” means the date on which a change in the initial value of any of $RPCM_{T1}$, $RPCM_{T2}$, $RPEM_{OFF}$, $RPEM_{MID}$, or $RPEM_{ON}$ referred to in section 3.3 or 3.4 comes into effect, which date shall not be earlier than the date that is twelve months from the first term commencement date;

"spot market price" means, for a given hour, the Hourly Ontario Energy Price established by the IESO for that hour;

“standard supply service” means the manner in which a distributor must fulfill its obligation to sell electricity under section 29 of the Electricity Act or to give effect to rates determined by the Board under section 79.16 of the Act as set out in this Code;

“standard supply service customer” means a person to whom a distributor provides standard supply service; and

“third party” with respect to a distributor, means any person other than the distributor.

1.3 Interpretation and Determinations by the Board

- 1.3.1 Unless otherwise defined in this Code, words and phrases shall have the meanings ascribed to them in the Act or the Electricity Act, as the case may be. Where a word or phrase is defined in this Code, the Act or the Electricity Act,

other parts of speech and grammatical forms of the word or phrase have a corresponding meaning. Headings are for convenience only and shall not affect the interpretation of this Code. Words importing the singular include the plural and vice versa. Words importing a gender include any gender. Words importing a person include: (i) an individual; (ii) a company, sole proprietorship, partnership, trust, joint venture, association, corporation or other private or public body corporate; and (iii) any government, government agency or body, regulatory agency or body or other body politic or collegiate. A reference to a person includes that person's successors and permitted assigns. A reference to a body, whether statutory or not, that ceases to exist or whose functions are transferred to another body is a reference to the body that replaces it or that substantially succeeds to its powers or functions. A reference to a document (including a statutory instrument) or a provision of a document includes any amendment or supplement to, or any replacement of, that document or that provision of that document. The expression "including" means including without limitation.

1.3.2 [Revoked by amendment, effective October 8, 2015.]

1.3.3 [Revoked by amendment, effective October 8, 2015.]

1.3.4 If the time for doing any act or omitting to do any act under this Code expires on a day that is not a business day, the act may be done or may be omitted to be done on the next day that is a business day.

1.3.5 Any matter under this Code requiring a determination by the Board:

- (a) shall be determined by the Board in accordance with all applicable provisions of the Act and the regulations; and
- (b) may, subject to the Act, be determined without a hearing, or through an oral, written or electronic hearing, at the Board's discretion.

1.4 To Whom this Code Applies

1.4.1 Except to the extent provided in a distributor's licence, another code issued by the Board or an order of the Board, this Code applies to all licensed distributors.

1.5 Hierarchy of Codes

1.5.1 The order of hierarchy of codes, subject to any specific conditions of a distributor's licence, is as follows:

Standard Supply Service Code

1. Affiliate Relationships Code for Electricity Distributors and Transmitters
2. Distribution System Code
3. Retail Settlement Code
4. Standard Supply Service Code

1.6 Coming into Force

- 1.6.1 This Code shall come into effect as of the first term commencement date and as of that date replaces the Standard Supply Service Code for Electricity Distributors issued by the Board on December 8, 1999.
- 1.6.2 [intentionally left blank]
- 1.6.3 The amendments to sections 1.2.1, 3.2.6, 3.3.2, 3.3.3 and 3.3.4 and the addition of sections 3.2.1A and 3.2.1B come into force on the date on which they are published on the Board's website after having been made by the Board.
- 1.6.4 The amendments to section 2.6.2 come into force on April 1, 2011. The further revisions to sections 2.6.2(a) to (e) and 2.6.2A come into force on October 1, 2011.
- 1.6.5 The amendments to sections 1.2 (definitions of "eligible low-income customer", "Emergency Financial Assistance" and "Social Service Agency and Government Agency"), 1.3.1, 1.3.2, 1.3.3, 1.3.4, 1.3.5, 2.6.2A, 2.6.2B and 2.6.2C come into force on October 1, 2011.
- 1.6.6- The amendments to section 3.9 come into force on March 15, 2017.
- 1.6.7 The amendments to sections 1.1.2(b), 1.2.1 (definition of "mandatory TOU date"), 3.2.5, 3.2.6, 3.3.1, 3.3 (heading), 3.3.1, 3.3.2, 3.4 (heading), 3.5 and 3.6 made on [date] come into force on October 13, 2020.

1.7 Application of Standard Supply Service Prices

- 1.7.1 This Code applies with respect to electricity used on and after the first term commencement date.
- 1.7.2 Where, in accordance with regulations made under the Act, an RPP consumer ceases to be eligible to pay the commodity price for electricity determined by the Board under section 79.16 of the Act but remains a standard supply service customer, the distributor shall charge that person the commodity price for

electricity determined in accordance with section 3.2 for electricity used by that person on and after the day on which that person becomes a non-RPP consumer.

1.7.3 Where, in relation to an RPP consumer, the Board changes:

- (a) the value of any of $RPCM_{T1}$, $RPCM_{T2}$, $RPEM_{OFF}$, $RPEM_{MID}$, or $RPEM_{ON}$ referred to in section 3.3 or 3.4;
- (b) a tier threshold referred to in section 3.3.2; or
- (c) the hours of the day comprising any of the periods referred to in section 3.4.2(c),

the distributor shall charge that RPP consumer the commodity price for electricity that reflects that change for electricity used by that person on and after the day on which the change comes into effect.

1.7.4 For the purposes of determining the volume of electricity used by a standard supply service customer on and after the day referred to in section 1.7.1, 1.7.2 or 1.7.3, if the distributor's billing period includes that day, the distributor may reasonably estimate the volume of electricity used by that standard supply service customer during the billing period that is to be allocated to the portion of the billing period before that day and the volume of electricity to be allocated to the portion of the billing period that is on and after that day.

1.7.5 A distributor shall allocate total losses (as defined in the Retail Settlement Code) to a standard supply service customer in accordance with the Retail Settlement Code or the distributor's rate order, as applicable.

[\[Note: No amendments are proposed to section 2 and it is not reproduced here\]](#)

3.1 Rates Generally

3.1.1 A distributor shall ensure that it charges a standard supply service customer at rates that are determined, approved or fixed by the Board under section 78 or section 79.16 of the Act (as may be applicable) or that are prescribed by applicable law, and otherwise in accordance with any applicable rate order, and that consist of:

- (a) the commodity price for electricity, determined in accordance with section 3.2, 3.3 or 3.4 (as the case may be);
- (b) a final RPP variance settlement amount, where applicable, determined in accordance with section 3.7;
- (c) an administrative charge that allows the distributor to recover its cost of providing standard supply service, determined in accordance with the methodology prescribed in the Electricity Distribution Rate Handbook;
- (d) such charges or credits as may be set out in the distributor's rate order; and
- (e) such charges or credits as may be prescribed by applicable law.

3.2 Spot Market Plan for Non-RPP Consumers and Electing Spot Consumers

3.2.1 The commodity price for electricity payable by a non-RPP consumer that has a conventional meter shall be the weighted average hourly spot market price, for the period over which the non-RPP consumer is being billed, determined in accordance with the Retail Settlement Code, with such adjustment as may be made by the IESO in accordance with the Electricity Act and the regulations.

3.2.1A The commodity price for electricity payable by an electing spot consumer referred to in section 8(1)(a) of Ontario Regulation 95/05 (Classes of Consumers and Determination of Rates) that has a conventional meter shall be the weighted average hourly spot market price, for the period over which the electing spot consumer is being billed, determined in accordance with the Retail Settlement Code, with such adjustment as may be made by the IESO in accordance with the Electricity Act and the regulations.

- 3.2.1B A distributor shall charge an electing spot consumer in accordance with section 3.2.1A only upon being requested to do so in writing by the electing spot consumer. In such a case, the distributor shall charge the electing spot consumer in accordance with section 3.2.1A for electricity consumed after an actual read of the electing spot consumer's meter by the distributor.
- 3.2.2 The commodity price for electricity payable by a non-RPP consumer or an electing spot consumer that has an interval meter or another eligible time-of-use meter that is capable of providing data on at least an hourly basis shall be the spot market price determined in accordance with the Retail Settlement Code, with such adjustment as may be made by the IESO in accordance with the Electricity Act and the regulations.
- 3.2.3 A distributor shall charge an electing spot consumer in accordance with section 3.2.2 only upon being requested to do so in writing by the electing spot consumer and only where the electing spot consumer has an interval meter or another eligible time-of-use meter that is capable of providing data on at least an hourly basis. In such a case, the distributor shall charge the electing spot consumer in accordance with section 3.2.2 for electricity consumed after an actual read of the electing spot consumer's meter by the distributor.
- 3.2.4 Where a consumer had given written notice to a distributor under section 79.4(2) of the Act and was paying the commodity price for electricity referred to in section 3.2.2 on the day preceding the first term commencement date, that consumer shall be deemed to be an electing spot consumer and shall continue to be charged the commodity price for electricity referred to in section 3.2.2 until such time as the consumer gives notice under section 3.2.5 or 3.2.6.
- 3.2.5 ~~[Revoked effective October 13, 2020.]Where, prior to the mandatory TOU date, an electing spot consumer that is being charged the commodity price for electricity under section 3.2.2 notifies a distributor in writing that it no longer wishes to be charged in accordance with that section, the distributor shall:~~
- ~~(a) — if it has made the election referred to in section 3.5.1:~~
 - ~~i. — charge the electing spot consumer the commodity price for electricity determined in accordance with section 3.4 where the distributor is electing to implement pricing under section 3.4 on a mandatory basis under section 3.5.2(a); or~~

- ~~ii. charge the electing spot consumer the commodity price for electricity determined in accordance with either section 3.3 or section 3.4, as the consumer may elect, where the distributor is electing to implement pricing under section 3.4 on a voluntary basis under section 3.5.2(b);~~
- ~~(b) in all other cases, charge the electing spot consumer:~~
 - ~~i. in accordance with section 3.3 for electricity consumed after an actual read of the electing spot consumer's meter by the distributor until the mandatory TOU date; and~~
 - ~~ii. in accordance with section 3.4 for electricity consumed on and after the mandatory TOU date.~~

3.2.6 Where, ~~on or after the mandatory TOU date,~~ an electing spot consumer that is being charged the commodity price for electricity under section 3.2.2 notifies a distributor in writing that it no longer wishes to be charged in accordance with that section, the distributor shall charge the electing spot consumer in accordance with section 3.4 for electricity consumed after an actual read of the electing spot consumer's meter by the distributor, unless the consumer elects under section 3.5 to be charged in accordance with section 3.3.

3.3 Regulated Price Plan (Tiered Pricing)~~for RPP Consumers with Conventional Meters~~

3.3.1 The commodity prices for electricity payable by an RPP consumer that has a conventional meter, or by an RPP consumer that has an eligible time-of-use meter but has elected to be charged on the basis of this section in accordance with section 3.5, shall be:

- (a) $RPCM_{T1}$ /kilowatt hour for electricity used during a billing period up to and including the tier threshold; and
- (b) $RPCM_{T2}$ /kilowatt hour for electricity used during a billing period in excess of the tier threshold.

3.3.2 For the purposes of section 3.3.1:

- (a) $RPCM_{T1}$ (regulated price for ~~conventional meters in tier 1~~) and $RPCM_{T2}$ (regulated price for ~~conventional meters in tier 2~~) shall be monetary values as set by the Board from time to time in accordance with the RPP Manual, provided that no change to the initial values of $RPCM_{T1}$ and $RPCM_{T2}$ set

by the Board shall come into effect prior to the second term commencement date;

- (b) $RPCM_{T1}$ shall be no higher than $RPCM_{T2}$;
- (c) subject to section 3.3.4, the tier threshold for an RPP consumer that falls within the residential class (including by virtue of the application of section 3.3.3) shall:
 - ~~i. until October 31, 2005 be 750 kilowatt hours per month; and~~
 - ~~i.~~
 - ~~ii. thereafter be such other the~~ number of kilowatt hours per month as set by the Board from time to time and which may be different for electricity use that occurs in the period November 1 to April 30 and for electricity use that occurs in the period May 1 to October 31;
- (d) and subject to section 3.3.4, the tier threshold for an RPP consumer that does not fall within the residential class shall initially be 750 kilowatt hours per month or such other number of kilowatt hours per month as the Board may from time to time determine in accordance with the RPP Manual, provided that no change in the initial tier threshold shall have effect prior to the second term commencement date.

3.3.3 For the purposes of section 3.3.2(c), an RPP consumer referred to in section 3.3.4, other than a property defined in the *Condominium Act, 1998* that is comprised predominantly of units that are used for non-residential purposes, shall be deemed to fall within the residential class.

3.3.4 The tier threshold for an RPP consumer who has an account with a distributor that:

- (a) relates to a property defined in the *Condominium Act, 1998*, a residential complex as defined in the *Residential Tenancies Act, 2006* or a property that includes one or more dwellings and that is owned or leased by a cooperative as defined in the *Co-operative Corporations Act*; and
- (b) relates to more than one unit in the property or complex,

shall be determined by multiplying the number of units to which the account relates in the property or complex by the applicable tier threshold referred to in section 3.3.2(c) or 3.3.2(d). The number of units to which an account relates in

a property or complex shall be deemed to be one unless a declaration attesting to the number of units and signed by the RPP consumer is or has been received by the distributor.

- 3.3.5 On each bill submitted to an RPP consumer that is being charged the commodity price for electricity under section 3.3.1, a distributor must show as separate items the volume of electricity billed at $RPCM_{T1}$ and the volume of electricity billed at $RPCM_{T2}$.
- 3.3.6 In relation to an RPP consumer that is being charged the commodity price for electricity under section 3.3.1, a distributor whose billing cycle is not monthly may reasonably estimate the volume of electricity used by that RPP consumer that is to be allocated to each month in the distributor's billing period.

3.4 Regulated Price Plan (Time-of-Use Pricing)for RPP Consumers with Eligible Time-of-Use Meters

- 3.4.1 Subject to section 3.5, the commodity prices for electricity payable by an RPP consumer that has an eligible time-of-use meter shall be:
- (a) $RPEM_{OFF}$ /kilowatt hour for electricity used during a billing period during an off-peak period;
 - (b) $RPEM_{MID}$ /kilowatt hour for electricity used during a billing period during a mid-peak period; and
 - (c) $RPEM_{ON}$ /per kilowatt hour for electricity used during a billing period during an on-peak period.
- 3.4.2 For the purposes of section 3.4.1:
- (a) $RPEM_{OFF}$ (regulated price for eligible time-of-use meters during off-peak periods), $RPEM_{MID}$ (regulated price for eligible time-of-use meters during mid-peak periods) and $RPEM_{ON}$ (regulated price for eligible time-of-use meters during on-peak periods) shall be monetary values as set by the Board from time to time in accordance with the RPP Manual, provided that no change to the initial values of $RPEM_{OFF}$, $RPEM_{MID}$ and $RPEM_{ON}$ set by the Board shall come into effect prior to the second term commencement date;
 - (b) $RPEM_{ON}$ shall be no lower than $RPEM_{MID}$ and $RPEM_{MID}$ shall be no lower than $RPEM_{OFF}$;

- (c) each of the off-peak period, mid-peak period and on-peak period shall mean any period during a day, expressed as running from a specified hour to another specified hour, designated as such by the Board in accordance with the RPP Manual and which may be different for electricity use that occurs in the period May 1 to October 31 and for electricity use that occurs in the period November 1 to April 30; and
- (d) the hours of the day to which an off-peak, mid-peak and on-peak period apply shall be applied by a distributor on the basis of:
 - i. central standard time or eastern standard time (as applicable to the distributor's licensed service area); or
 - ii. daylight savings time, whichever is then prevailing in the Province of Ontario.

3.4.3 On each bill submitted to an RPP consumer that is being charged the commodity price for electricity under section 3.4.1, a distributor must show as separate items the volume of electricity billed at RPEM_{OFF}, the volume of electricity billed at RPEM_{MID} and the volume of electricity billed at RPEM_{ON}. A distributor must also show, on the applicable separate line, the corresponding term "off-peak", "mid-peak" or "on peak".

3.5 — Transition for Section 3.4

~~3.5.1 Until the mandatory TOU date, the commodity price for electricity payable by an RPP consumer that has an eligible time-of-use meter shall be determined in accordance with section 3.3 unless the distributor elects to implement the electricity commodity pricing mechanism set out in section 3.4 and has given notice of this election in accordance with section 3.5.3.~~

~~3.5.2 Where a distributor has made the election referred to in section 3.5.1, the distributor shall also determine whether the implementation of pricing under section 3.4 will be:~~

- ~~(a) mandatory for all RPP consumers in its service area that have eligible time-of-use meters; or~~
- ~~(b) voluntary, at the option of each RPP consumer in its service area that has an eligible time-of-use meter.~~

~~Where the distributor selects the option referred to in paragraph (a) and has given the notice referred to in section 3.5.3, the distributor shall charge each RPP consumer served by that distributor that has an eligible time-of-use meter the commodity price for electricity determined in accordance with section 3.4 as of the first day of the first billing period that commences after the date on which the eligible time-of-use meter becomes useable for time-of-use billing purposes. Where the distributor selects the option referred to in paragraph (b) and has given the notice referred to in section 3.5.3, the distributor shall charge each RPP consumer served by that distributor that has an eligible time-of-use meter the commodity price for electricity determined in accordance with either section 3.3 or section 3.4, as the RPP consumer may elect.~~

~~3.5.3 A distributor that elects to implement the electricity commodity pricing mechanism set out in section 3.4 prior to the mandatory TOU date shall give advance notice of this election by:~~

- ~~(a) — posting a notice to this effect on its website and including an insert containing a notice to this effect with at least one bill submitted to RPP consumers; or~~
- ~~(b) — such other means as will provide direct notice of the election to RPP consumers within the distributor's licensed service area.~~

~~Such notice shall describe whether the distributor will implement pricing under section 3.4 on a mandatory basis as referred to in section 3.5.2(a) or on a voluntary basis as referred to in section 3.5.2(b). Where the distributor has selected implementation on a voluntary basis, such notice shall also include details of the manner in which RPP consumers with eligible time-of-use meters may exercise their election. Such notice shall be given no less than 30 days prior to the date on which the distributor will commence charging RPP consumers the commodity price for electricity under section 3.4.~~

~~3.5.4 Except as provided in sections 3.2.5, 3.5.1, 3.5.2, 3.6.1 and 3.9.1, an RPP consumer that has an eligible time-of-use meter may only be charged the commodity price for electricity under section 3.4.~~

3.5 RPP Consumer Opt-out of Time-of-Use Pricing

3.5.1 Where a distributor receives a notice from an RPP consumer that has an eligible time-of-use meter that the RPP consumer is electing to be charged tiered prices

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under section 3.3 instead of time-of-use prices under section 3.4, the distributor shall process and give effect to the RPP consumer's election, in accordance with the rules set out in sections 3.5.2 to 3.5.8.

3.5.2 A distributor shall make available on its website a form for the notice referred to in section 3.5.1 and provide it directly to any consumer that requests it. The form of notice shall require only such information as is reasonably necessary for the distributor to process the election, and shall comply with any form of notice as may be approved by the Board. The distributor shall accept notices of election by e-mail and mail, and may also allow the notice of election to be completed online or by telephone, provided that where the notice of election is completed by telephone the call must be recorded.

3.5.3 Where a distributor receives a notice referred to in section 3.5.1 that is incomplete or otherwise deficient, the distributor shall notify the consumer within 10 business days of receipt of the notice that the election cannot be processed and the reason it cannot be processed.

3.5.4 Where a distributor receives a notice referred to in section 3.5.1 that is not incomplete or otherwise deficient, the distributor shall begin charging the RPP consumer tiered prices under section 3.3:

(a) at the beginning of the first billing period for that RPP consumer after the notice of election is received, if it is received at least 10 business days before the beginning of that billing period; or

(b) otherwise, at the beginning of the second billing period for that RPP consumer after the notice of election is received, if the distributor is unable to begin charging the consumer tiered prices at the beginning of the first billing period;

provided, however, that no election shall be applied to a billing period that begins before November 1, 2020.

3.5.5 Within 10 business days of receiving a notice referred to in section 3.5.1 that is not incomplete or otherwise deficient, a distributor shall notify the RPP consumer as to when the distributor will begin charging the consumer tiered prices under section 3.3. This notification shall specify:

(a) the calendar date on which the RPP consumer will start to be charged tiered prices, or

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(b) if it is not practicable to specify the calendar date, the notification shall refer to the applicable billing period, in which case the distributor shall also provide or refer the RPP consumer to information that explains how the RPP consumer can ascertain when that billing period will begin.

3.5.6 A notification under section 3.5.3 or 3.5.5 shall comply with any form as may be approved by the Board. The notification shall be delivered by the same method of delivery used by the RPP consumer to give the notice under section 3.5.1 and shall not be included with the bill or other communication to the RPP consumer. Where the notification is given by telephone the call must be recorded.

3.5.7 For the purposes of sections 3.5.3 to 3.5.5, the computation of time begins on the day the notice is received by the distributor, even if it is received on a day that is not a business day or outside of the distributor's normal business hours on a business day.

3.5.8 A distributor shall advise an RPP consumer to whom section 3.5.4 applies that the RPP consumer is being charged tiered prices under section 3.3 by means of a bill message. The bill message shall appear on the first bill issued to the RPP consumer under tiered pricing, unless there is insufficient space on that bill by reason of another bill message required by an order, licence or code issued by the Board, or otherwise required by law, in which case the message shall appear on the following bill.

3.5.9 If in any calendar quarter a distributor places the bill message required by section 3.5.8 on an RPP consumer's second bill under tiered pricing instead of the first, the distributor shall submit a report to the Board no later than 30 days after the end of the quarter identifying:

(a) the number of times in the quarter the distributor placed the bill message on the second bill, and the other mandatory bill message that prevented the bill message from being placed on the first bill; and

(b) the number of times in the quarter the distributor placed the bill message on the first bill.

3.5.10 A distributor shall ask a -consumer that has an eligible time-of-use meter whether the consumer would like to be charged tiered prices under section 3.3 instead of time-of-use prices under section 3.4 before:

(a) opening a new account for an RPP consumer;

(b) beginning to provide standard supply to an RPP consumer that is switching from a contract with a retailer; or

(c) charging prices under section 3.3 or 3.4 to an electing spot consumer that notifies the distributor under section 3.2.6 that the consumer no longer wishes to be charged spot prices under section 3.2.2.

The distributor shall ensure that the first bill issued to the consumer after the account is opened or the change is implemented reflects the price structure chosen by the consumer. For greater certainty, if the consumer does not elect to be charged tiered prices, the consumer shall be charged time-of-use prices. Sections 3.5.2 to 3.5.8 do not apply in respect of an election under this section 3.5.10.

3.5.11 A distributor shall allow an RPP consumer that is being charged tiered prices under section 3.3 as a result of an election under this section 3.5 to elect at any time to be charged time-of-use prices under section 3.4. Sections 3.5.1 to 3.5.9 apply, with such modifications as the context may require, to this latter election.

3.5.12 A distributor shall keep the following records for two years, and make them available to the Board upon request:

- (a) copies of all notices of election received under section 3.5.1, including recordings of calls where the notice of election was completed by telephone;
- (b) copies of notifications sent to consumers under sections 3.5.3 and 3.5.5, including recordings of calls where the notification was done by telephone.
- (c) a record of all other communications with individual consumers about electing to be charged prices under section 3.3 or 3.4.

3.5.13 A distributor shall provide to consumers or otherwise make available such information in respect of the option to elect to be charged tiered prices under section 3.3 rather than time-of-use prices under section 3.4 as may be approved or directed by the Board.

3.5.14 A distributor shall rely on the Smart Metering Entity for the calculation of billing quantities in respect of all residential consumers or general service < 50kW consumers that are being charged tiered prices under section 3.3 as a result of an election under this section 3.5.

3.6 ~~[Revoked effective October 13, 2020.]Moving from Conventional Meter Regulated Price Plan to Eligible Time-of-Use Meter Regulated Price Plan~~

~~3.6.1 Where an eligible time-of-use meter is installed on or after the mandatory TOU date in relation to an RPP consumer that is then being charged the commodity price for electricity under section 3.3.1, that consumer shall be charged the commodity price for electricity under section 3.4 for electricity used as of:~~

- ~~(a) the date on which the eligible time-of-use meter becomes usable for billing purposes;~~
- ~~(b) the first day of the first billing period that commences after the date on which the eligible time-of-use meter becomes usable for billing purposes; or~~
- ~~(c) any day that is between the date referred to in paragraph (a) and the day referred to in paragraph (b).~~

3.7 Final RPP Variance Settlement Amounts for RPP Consumers Leaving Regulated Price Plan

3.7.1 Where a distributor:

- (a) is advised that an RPP consumer that is being charged a commodity price for electricity in accordance with section 3.3 or 3.4 will be cancelling its account with the distributor and will be moving out of the province of Ontario;
- (b) receives a notice referred to in section 2.1.2 from or in relation to an RPP consumer that was, on the date of the notice, being charged a commodity price for electricity in accordance with section 3.3 or 3.4;
- (c) receives a request referred to in section 3.2.3 from or in relation to an electing spot consumer that was, on the date of the request, being charged a commodity price for electricity in accordance with section 3.3 or 3.4, or
- (d) determines that an RPP consumer ceases to be eligible to pay the commodity price for electricity determined by the Board under section 79.16 of the Act,

the distributor shall charge or credit the RPP consumer or electing spot consumer a final RPP variance settlement amount calculated on the basis of historical consumption in accordance with the methodology established by the Board in the RPP Manual.

- 3.7.2 Where a distributor is required by section 3.7.1 to charge or credit a consumer with a final RPP variance settlement amount, the distributor must show the monetary value of the final RPP variance settlement amount as a separate item on the consumer's bill. The separate item shall be labelled as "RPP settlement" and shall be shown directly under the items referred to in section 3.3.5 or 3.4.3, as applicable.
- 3.7.3 Section 3.7.1 and 3.7.2 shall not come into effect until the date that is three months after the first term commencement date.
- 3.7.4 Where a distributor has charged or credited an RPP consumer with a final RPP variance settlement amount under section 3.7.1(b), the distributor shall pay or credit (where the final RPP variance settlement amount was a charge) or charge (where the final RPP variance settlement amount was a credit) the same amount to the consumer if:
- (a) the distributor is notified by the consumer or by a retailer on behalf of the consumer that:
 - i. the consumer was a customer of the retailer identified in the notice prior to the date on which the consumer's account with the distributor was opened; and
 - ii. the consumer remains a customer of that retailer;
 - (b) the notice referred to in paragraph (a) is received by the distributor within three months of the date on which the consumer's account with the distributor was opened; and
 - (c) where the notice was provided by the consumer, the retailer identified by the consumer has confirmed the information contained in the notice referred to in paragraph (a).

3.8 Notification to RPP Consumers

- 3.8.1 Subject to section 3.8.4, a distributor shall post on its website notice of any change made by the Board in:

- (a) the value of any of $RPCM_{T1}$, $RPCM_{T2}$, $RPEM_{OFF}$, $RPEM_{MID}$, or $RPEM_{ON}$ referred to in section 3.3 or 3.4;
- (b) a tier threshold referred to in section 3.3.2; or
- (c) the hours of the day comprising any of the periods referred to in section 3.4.2(c).

Such notice shall be posted not less than 15 days prior to the date on which the change will take effect.

3.8.2 Subject to section 3.8.4, a distributor shall:

- (a) as soon as practicable after the first term commencement date if it has not already done so, notify all RPP consumers within its licensed service area of the initial values of $RPCM_{T1}$, $RPCM_{T2}$, $RPEM_{OFF}$, $RPEM_{MID}$, or $RPEM_{ON}$ referred to in section 3.3 or 3.4 by means of bill messages or bill inserts; and
- (b) as soon as practicable upon receiving notice from the Board of a change referred to in section 3.8.1, notify all RPP consumers within its licensed service area of the change by means of bill messages or bill inserts.

3.8.3 The notices referred to in sections 3.8.1 and 3.8.2 shall be prepared in accordance with the directions, if any, issued by the Board.

3.8.4 ~~[Revoked effective October 13, 2020.]Until the mandatory TOU date, a distributor that has not made the election referred to in section 3.5.1 shall not be required to comply with section 3.8.1 or 3.8.2 in relation to:~~

- ~~(a) the initial values of $RPEM_{OFF}$, $RPEM_{MID}$, or $RPEM_{ON}$ referred to in section 3.4; or~~
- ~~(b) the hours of the day comprising any of the periods referred to in section 3.4.2(c).~~

3.9 Pilot Projects

3.9.1 Where a distributor implements a Board-approved pilot project relating to eligible time-of-use meters, the distributor may charge an RPP consumer that has an eligible time-of-use meter and that is participating in the pilot project the

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commodity price for electricity referred to in either section 3.3 or 3.4 or any other commodity price that the Board approves as part of the pilot project.