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BY EMAIL ONLY

August 7, 2020

Susannah K. Robinson ICD.D
Vice President, Ontario
EPCOR Natural Gas Limited Partnership
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Toronto ON M5J 2H7
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Dear Ms. Robinson:

Re: Covid-19 Energy Assistance Program – Small Business

The Minister of Energy, Northern Development and Mines and the Associate Minister of Energy in a [letter](#) dated August 4, 2020 (Ministers' Letter) asked the Ontario Energy Board (OEB) for support in implementing the COVID-19 Energy Assistance Program – Small Business (CEAP-SB). CEAP-SB is similar to the COVID-19 Energy Assistance Program for residential customers (CEAP residential program), which you are administering in response to our letter of June 16, 2020.

The Ministers' Letter stated that government will make available \$8 million for CEAP-SB to help small business and registered charity customers who are behind on their electricity and natural gas bills as a result of the COVID-19 emergency. The Ministers' Letter asks the OEB to act as necessary to ensure that natural gas distributors (as well as licensed electricity distributors and unit sub-meter providers (USMP)) provide CEAP-SB to their eligible low-volume small business and registered charity customers.

Consistent with the CEAP residential program, the OEB has identified the four natural gas distributors that will be eligible for CEAP-SB funding. These are: Enbridge Gas Inc., Epcor Natural Gas Limited Partnership, and the natural gas distribution services provided by Utilities Kingston and Kitchener Utilities (Gas Utilities). In keeping with the intent of the Ministers' Letter and the OEB's mandate to protect the interests of consumers with respect to the price of gas service, the OEB expects that the Gas Utilities will assist with the administration of CEAP-SB. The purpose of this letter is to

set out the OEB's expectations and conditions for a Gas Utility to provide CEAP-SB and be reimbursed for any CEAP-SB credits provided to its low-volume small business and registered charity customers.

The OEB today issued a Decision and Order amending the licences of all electricity distributors and USMPs to provide for the implementation of CEAP-SB (Licence Decision)¹. The Licence Decision sets out a comprehensive set of rules respecting the role of licensed electricity distributors and USMPs in administering CEAP-SB. The intention of these rules is to help ensure that the \$8 million of public money being made available to fund CEAP-SB is spent in a fair, transparent and accountable manner. As was the case for the CEAP residential program, the OEB expects that Gas Utilities should follow procedures similar to those that apply to the electricity sector, except in relation to the credit amount as identified in the Ministers' Letter.

CEAP-SB Funding Available for Gas Utilities

In the Licence Decision, the OEB determined that the fair approach to allocating the \$8 million in CEAP-SB funds is to do so based on the reported number of customers that fall within a certain rate class or under a certain annual usage threshold. As noted in the Licence Decision, the OEB will designate a total of \$3,320,718.92 to Gas Utilities that provide CEAP-SB. This amount is based on the number of non-residential customers using less than 50,000 cubic meters of gas annually as reported to the OEB.

The amount to be allocated to each Gas Utility is also based on their report of customer numbers, and is as follows:

Enbridge Gas Inc.: \$3,239,340.30

EPCOR Natural Gas Limited Partnership: \$8,861.37

Kitchener Utilities: \$52,125.69

Utilities Kingston: \$20,391.57

As indicated in the Ministers' Letter, the Ministry of Energy, Northern Development and Mines will be entering into agreements with the Gas Utilities to reimburse them for the CEAP-SB funds they provide to their customers.

¹ EB-2020-0185

Gas Utility Implementation of CEAP-SB

The implementation of CEAP-SB by Gas Utilities should follow the approach set out in the Licence Decision in order to provide consistency in implementation across the province given that both sectors are accessing the same source of public funds. The OEB also expects that consistency in implementation will be less confusing for consumers that may apply for CEAP-SB credits in respect of both their electricity and natural gas bills. Therefore, the following expectations regarding implementation of CEAP-SB by Gas Utilities are the same as the rules that apply to electricity distributors and USMPs under the Licence Decision, except where specifically noted.

To facilitate the efficient and timely implementation of CEAP-SB, the CEAP-SB implementation framework is aligned where appropriate with that of the CEAP residential program.

1. Application Intake, Application Form and Processing

The OEB in its Licence Decision has required electricity distributors and USMPs to start accepting CEAP-SB applications as of August 31, 2020. To ensure consistent implementation of CEAP-SB across the different energy sectors, Gas Utilities should also start accepting applications for CEAP-SB as of August 31, 2020.

The OEB appreciates that many Gas Utilities voluntarily extended the winter disconnection ban to July 31, 2020, also extending it for small businesses. The OEB strongly encourages Gas Utilities to avoid disconnecting any potentially eligible CEAP-SB customers prior to the August 31, 2020 date on which customers can start applying for CEAP-SB.

In order to ensure the timely, cost-effective and consistent implementation of CEAP-SB across the Province, and to facilitate access to CEAP-SB funding by customers, the OEB expects Gas Utilities to use the OEB-approved standard application form (Application Form) attached to this letter (the French version will be provided shortly). Among other things, the Application Form clearly identifies the criteria for CEAP-SB eligibility to minimize the risk of incomplete or ineligible applications. While the Application Form requires the applicant to attest to their eligibility for CEAP-SB, the OEB will not require Gas Utilities to independently verify all aspects of an applicant's eligibility. Gas Utilities will only be expected to verify eligibility information that is already in their possession as part of the customer's account information.

The Application Form is modelled on a similar application form that will be used in the electricity sector pursuant to the Licence Decision. Gas Utilities will be required to use the Application Form and its embedded eligibility criteria if they wish to be reimbursed for CEAP-SB amounts credited to their customers, in order to ensure similar access to CEAP-SB across the two energy sectors.

With a view to ensuring that as many small business and registered charity customers as possible are easily able to access CEAP-SB, Gas Utilities will be expected to make the Application Form available on their websites and directly to any small business or registered charity customer that requests it. Customers must be allowed to apply by e-mail or mail, as well as online via webform or by phone where a Gas Utility's functionality allows. To ensure a record of all applications, where a Gas Utility accepts applications over the phone, the call must be recorded to document confirmation of all information requested on the Application Form, including consent and the applicant's attestation of eligibility.

Although it is expected that the funding provided through CEAP-SB will meaningfully help many consumers, the budget for the program is limited to \$8 million. The OEB considers it fair and reasonable to expect Gas Utilities to process Application Forms in the order that they receive them. Gas Utilities will also be expected to process completed Application Forms within 10 business days of receipt. This approach to processing applications is expected to minimize the administrative costs and burden for Gas Utilities while ensuring a timely response to consumers regarding their applications and delivery of CEAP-SB credits to eligible consumers.

Each Gas Utility is expected to cease accepting Application Forms and crediting customer bills once the total CEAP-SB funding allocated to it has been depleted. Gas Utilities will not be permitted to recover any amount of CEAP-SB funding provided to their customers above the amount allocated to them.

Gas Utilities are also expected to make best efforts to inform their customers about CEAP-SB, including by posting information on their websites. As it did with the implementation of the CEAP residential program, the OEB will support Gas Utilities' through consumer communication materials that will be provided to Gas Utilities prior to the commencement of application intake.

2. Eligibility and Maximum CEAP-SB Credit Per Customer

a. Eligibility

CEAP-SB benefits for customers are being funded through provincial revenues, and the OEB considers it appropriate for eligibility and maximum funding per customer to be

aligned with the government's expectations as set out in the Ministers' Letter and now also reflected in the Licence Decision.

CEAP-SB is expected to be available to small business and registered charity customers, including those that have a contract with a natural gas marketer, who meet all of the following eligibility criteria:

- a. The account must be for premises that uses less than 50,000 cubic meters annually.
- b. In line with the purpose of CEAP-SB to support those small business and registered charity customers who have fallen behind in their bill payments on account of the COVID-19 emergency, the account holder's account was in good standing on March 17, 2020, and the account was not enrolled in a payment agreement for amounts owing prior to March 17, 2020. In other words, all amounts on account of natural gas charges that were payable on or before that date had been fully paid.
- c. The account holder has failed to make complete payment on account of natural gas charges on at least two gas bills issued since March 17, 2020 and has an overdue balance on the date of their application for CEAP-SB. Account holders whose ability to pay was impacted by COVID-19 and who enrolled in a payment agreement for amounts incurred following March 17, 2020 are eligible.
- d. The small business or registered charity was required to close for at least 15 calendar days after March 17, 2020 as a result of a government order or inability to comply with public health recommendations. To achieve the Ministers' goal of helping as many eligible small business and registered charity customers impacted by COVID-19 as possible, the OEB considers "closed" to mean that the small business or registered charity was unable to maintain regular operations as a result of government order or health recommendations that required them to either fully close operations, limit access to their premises or limit the services provided or available to the public. The account holder will be required to confirm that this is the case on the Application Form.
- e. The account holder has a registered business number or charitable registration number for the business or charity occupying the premises; and
- f. The account holder has provided a completed Application Form. The Application Form requires the account holder to attest to the account holder's eligibility in relation to items (d) and (e) above.

CEAP-SB funding will be available only once per account holder, and a small business or registered charity can only receive CEAP-SB funding once, even if it has multiple locations across the Province. The Application Form requires the account holder to confirm that it has made no other application for CEAP-SB funding for another location.

b. Maximum CEAP-SB Credit Per Customer

To maximize the number of customers that receive assistance through CEAP-SB, and consistent with the Minister's Letter, the maximum credit a CEAP-SB eligible customer may receive is \$425. The amount of the credit cannot exceed the overdue balance owing on account of natural gas charges on the date of the customer's application for CEAP-SB. For this purpose, "overdue balance" and "natural gas charges" have the same meaning as set out in our letter of June 16, 2020 regarding the CEAP residential program.

The CEAP-SB credit should be applied on the next available bill issued to the customer after the customer's Application Form has been assessed as complete by the Utility.

3. *Recovery of Administrative Costs*

As was the case with the CEAP residential program, CEAP-SB funding shall not be used to defray costs incurred by Gas Utilities to implement and administer CEAP-SB. The OEB established a new sub-account under Account 179 - Other Deferred Charges titled "Impacts Arising from the COVID-19 Emergency, Sub-account Other Costs", for rate-regulated natural gas distributors on March 25, 2020². The OEB's Accounting Order indicated that natural gas distributors may incur incremental costs related to the COVID-19 emergency. While CEAP-SB was not known at the time of the issuance of the Order, the OEB is of the view that the implementation and administration costs of the CEAP-SB may be recorded in the sub-account "Impacts Arising from the COVID-19 Emergency, Sub-account Other Costs".

4. *Record Keeping and Reporting*

To assist in addressing requests future requests for information about how CEAP-SB was implemented or to address possible customer issues regarding applications, the

² Accounting Order for the Establishment of Deferral Accounts to Record Impacts Arising from the COVID-19 Emergency, March 25, 2020

OEB expects that Gas Utilities will retain the following information and provide it to the OEB if requested:

- a) copies of all Application Forms received (including recordings of calls where the Application Form is provided by telephone), and copies of any communications with customers about CEAP-SB,
- b) a record of all Application Forms that were accepted as complete and a credit was provided to CEAP-SB eligible accounts, and a record of all Application Forms that were denied, and
- c) a record of the credit provided to each CEAP-SB eligible account, as well as the total amount of credits provided to all CEAP-SB eligible accounts.

Gas Utilities are requested to advise the OEB when they have expended all of their allocated CEAP-SB funds.

The OEB asks that Gas utilities confirm with the OEB that they will be offering CEAP-SB to their customers in the manner described in this letter. The OEB appreciates the assistance of the Gas Utilities in making this important program available to their customers at this challenging time. Any questions relating to this letter should be directed to the OEB's Industry Relations Enquiry e-mail at IndustryRelations@oeb.ca. Please include "CEAP-SB Implementation" in the subject line.

Yours truly,

Original signed by

Brian Hewson
Vice President, Consumer Protection & Industry Performance

COVID-19 Energy Assistance Program for Small Business (CEAP-SB) Application Form (Natural Gas)

INSTRUCTIONS

Please complete only one natural gas application for your registered small business or registered charity. You cannot receive COVID-19 Energy Assistance Program for Small Business (CEAP-SB) funding for multiple storefronts or locations, and you can only receive CEAP-SB funding from your natural gas provider once. You may also apply separately for electricity CEAP-SB support through your electricity utility.

After you have provided your information, please sign this form and provide your consent by: (a) if submitting electronically, typing your name(s) in Section 4; or (b) if submitting by mail, you may print the completed form and sign Section 4 by hand. Please ensure that the information provided is accurate and up-to-date.

Once completed, the form can be emailed or printed and mailed to your utility. Your utility may offer other ways to submit your application, including in some cases by phone. Please refer to your utility's website or contact them for more details.

CEAP-SB funding is limited and applying does not guarantee that your utility has CEAP-SB funding remaining. Applications will be processed in the order they are received. For information on residential CEAP and lower-income energy support programs available, please visit the Ontario Energy Board's [website](#).

PROGRAM ELIGIBILITY

You are eligible for this program if you meet all of the following criteria:

1. As of the date you are applying, your small business or registered charity has an active account with a natural gas distributor. You will be required to provide your registered business number or charitable registration number.
2. Your small business or registered charity uses less than 50,000 m³ of natural gas annually.
3. Your small business or registered charity did not have any overdue amounts on your natural gas bill on March 17, 2020, the date of the Provincial Declaration of Emergency.
4. As of the date you are applying, your small business or registered charity has any overdue amounts owing from at least two natural gas bills since March 17, 2020.
5. Your small business or registered charity was required to close its premises to members of the public for regular operations for at least fifteen days as a result of a government order or an inability to adapt your business or charity to comply with public health recommendations.

If you are not eligible for CEAP-SB, your place of residence may still be eligible for residential CEAP or lower-income energy support programs. Please contact your utility for information on entering into a payment agreement. You may also visit the Ontario Energy Board's [website](#) for more information.

SECTION 1: NOTICE AND CONSENT

When submitting this completed form to your utility, please do not provide any personal information. The term "personal information" has the same meaning as under the *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990 c. F.31. Please note that information requested in this form is business identity information (i.e. name, title, and business contact information), not personal information.

Should any personal information be provided within this form, this personal information will be collected by your utility in accordance with applicable privacy legislation such as the *Municipal Freedom of Information and Protection of Privacy Act* or the federal *Personal Information Protection and Electronic Documents Act*.

Your business information is being collected for the purpose of administering CEAP-SB, including but not limited to, determining your eligibility for CEAP-SB.

In addition, your utility may use information already collected from you for the purposes of administering your utility account (e.g., any data respecting billing, bill payments), for the purposes of evaluating your eligibility for CEAP-SB and administering CEAP-SB.

The funding for CEAP-SB is provided by the Government of Ontario. Given that, in order to verify and determine whether you were eligible for CEAP-SB and/or to otherwise administer CEAP-SB, it may be necessary for your utility to share your information with the Ministry of Energy, Northern Development and Mines. If the Ministry of Energy, Northern Development and Mines requests any of the information, including personal information contained in this form in order to verify your eligibility for CEAP-SB or for audit purposes related to the administration of CEAP-SB, your utility will supply it to them. The Ministry of Energy, Northern Development and Mines may contact you for further information as part of their audit. You are encouraged to retain any documentation that demonstrates you meet the eligibility for CEAP-SB.

By completing and submitting this application form, you are consenting to the collection, use, and disclosure of your information, including personal information as described above.

Contact information for the person who can answer questions about the collection of the information in this form is available on your utility's web site.

SECTION 2: PROGRAM ELIGIBILITY REQUIREMENTS

1. Are you applying for support for a small business or registered charity?
☐ Yes (*NTD: If you select yes, please provide your registered business number or charitable registration number.*)

☐ No (*NTD: If you select No, CEAP-SB is a targeted program designed to aid certain customers in these difficult times. The response you have selected means your small business or registered charity does not meet the program's eligibility criteria.*)
2. Have you previously applied for CEAP-SB natural gas support for another premise or account that operates under the same registered business number or charitable registration number?
☐ Yes (*NTD: If you select Yes, CEAP-SB is a targeted program designed to aid certain customers in these difficult times. The response you have selected means your small business or registered charity does not meet the program's eligibility criteria.*)

☐ No
3. As of the date you are applying, does your small business or registered charity have an active account with a natural gas distributor and use less than 50,000 m³ of natural gas annually?
☐ Yes (*NTD: If you select Yes, your natural gas utility will verify this information.*)

☐ No (*NTD: If you select No, CEAP-SB is a targeted program designed to aid certain customers in these difficult times. The response you have selected means your small business or registered charity does not meet the program's eligibility criteria.*)
4. Did your small business or registered charity have overdue amounts for its natural gas bill on March 17, 2020, the date of the Provincial Declaration of Emergency?
☐ Yes (*NTD: If you select Yes, CEAP-SB is a targeted program designed to aid certain customers in these difficult times. The response you have selected means your small business or registered charity does not meet the program's eligibility criteria.*)

☐ No (*NTD: If you select No, your natural gas utility will verify this information.*)

5. As of the date you are applying, does your small business or registered charity have any overdue amounts owing from at least two natural gas bills since March 17, 2020?
- ☐ Yes: I have overdue amounts owing from at least two bills since March 17, 2020. (NTD: If you select Yes, your natural gas utility will verify this information.)
- ☐ No: (NTD: If you select No, CEAP-SB is a targeted program designed to aid certain customers in these difficult times. The response you have selected means your small business or registered charity does not meet the program's eligibility criteria.)
6. Was your small business or registered charity required to close its premises to the public for regular operations for at least fifteen days as a result of a government order or an inability to adapt its business to comply with public health recommendations?
- ☐ Yes
- ☐ No: (Note to Draft: If you select No, CEAP-SB is a targeted program designed to aid certain customers in these difficult times. The response you have selected means your small business or registered charity does not meet the program's eligibility criteria.)

SECTION 3: UTILITY ACCOUNT INFORMATION

Before you begin, make sure that you have a copy of your bill for reference.

Utility Account Information: Please enter your information exactly as it appears on your small business or registered charity's utility bill. If the information is not entered as it appears on your small business or registered charity's utility bill, your application may not be processed until the information can be corrected and verified.

1. Your Utility:

2. Utility Account Number:

Name on the Account _____

Name of Person Authorized to Act on Behalf of the Account:

Account's Service Address:

3. Your Registered Business Number or Charitable Registration Number:

4. Your small business or registered charity contact information (please provide the best number or e-mail address for your utility to contact you if they have questions about your application):

Phone Number (home, work or mobile): ____-____-____

Email Address: _____

SECTION 4: DECLARATION

By signing below,

(a) I declare that the information I have provided in this application is true and correct;
and

(b) I indicate my consent to the collection, use and disclosure of my information,
including personal information, if applicable as described in this form

Name of Person Authorized to Act on Behalf of the Account:

Date:

(sign by hand or type in your name)

Please e-mail or mail this form to your small business or registered charity's utility. The e-mail and mailing address are available on the utility's website. Your utility may offer other ways to submit your application, including in some cases by phone. Please refer to your utility's website or contact them for more details.

Your utility will review this application and notify you whether your small business or registered charity is eligible for CEAP-SB. If approved, a one-time credit amount will appear on the customer's next bill or the following one, depending on where in the customer is in the billing cycle.