



Ontario Energy Board

Standard Supply Service Code for Electricity Distributors

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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

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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;

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~~“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:

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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"), 3.2.4, 3.2.5, 3.2.6, 3.3 (heading), 3.3.1, 3.3.2, 3.4 (heading), 3.5, 3.6, 3.8.1, 3.8.2, and 3.8.4 made on September 8, 2020 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

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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.

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- 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

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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 $RPEM_{OFF}$;

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- (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.~~

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~~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 3.5.7.

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

(i) it is received at least 10 business days before the beginning of that billing period; or

(ii) it is received less than 10 business days before the beginning of that billing period but it is practicable for the distributor to begin charging the consumer tiered prices at the beginning of that billing period; or

(b) at the beginning of the second billing period for that RPP consumer after the notice of election is received, if it is received less than 10 business days before the beginning of the first billing period and it is not practicable for the distributor 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.

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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
- (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 RPP consumer's preferred method of communication, if known, or otherwise by mail or any other means determined to be appropriate by the distributor. Where the notification is given by telephone the call must be recorded.

3.5.7 For the purposes of sections 3.5.3, 3.5.4, 3.5.5 and 3.5.9, 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 inform a consumer that has an eligible time-of-use meter of the option to be charged either tiered prices under section 3.3 or time-of-use prices under section 3.4 and provide the consumer an opportunity to elect one of those options, before:

- (a) opening a new account for an RPP consumer; or
- (b) 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 market prices under section 3.2.2.

For greater certainty, where a landlord makes a blanket election in respect of one or more rental properties that are subject to an agreement between the landlord and the distributor under section 2.8.3A of the Distribution System Code, the distributor is not required to notify the landlord of the option to be charged either tiered prices or time-of-use prices or to provide the landlord an opportunity to make an election each time responsibility for paying for continued service to a rental property covered by the blanket election is assumed by the

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landlord. The distributor shall ensure that the first bill issued to the consumer after the account is opened, or the first bill issued to the consumer after the last bill issued to the consumer under spot market prices under section 3.2.2, reflects the price structure chosen by the consumer, or if none is chosen, reflects time-of-use prices. Sections 3.5.2 to 3.5.7 do not apply in respect of an election under this section 3.5.8.

3.5.9 Where a non-residential consumer that has an eligible time-of-use meter is reassigned, pursuant to section 2.5 of the Distribution System Code, to a rate class that is eligible to pay the commodity price for electricity determined by the Board under section 79.16 of the Act, the distributor shall inform the consumer of the option to be charged either tiered prices under section 3.3 or time-of-use prices under section 3.4 and provide the consumer an opportunity to elect one of those options. If the consumer elects to be charged tiered prices, the election is subject to the timeline set out in section 3.5.4, with such modifications as the context may require. For greater certainty, if the consumer does not elect to be charged tiered prices, the consumer shall be placed on time-of-use prices at the time of reassignment.

3.5.10 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 3.5.7 apply, with such modifications as the context may require, to this latter election.

3.5.11 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;
- and
- (c) a record of all other communications with individual consumers about electing to be charged prices under section 3.3 or 3.4.

3.5.12 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.

3.5.13 A distributor shall rely on the Smart Metering Entity for the provision of consumption amounts for billing purposes 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

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- (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~~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~~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 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.