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de l'Ontario

DECISION AND ORDER

EB-2021-0167

BURLINGTON HYDRO INC.

Application for Electricity Distribution Licence Amendment

BY DELEGATION, BEFORE: Brian Hewson

Vice President,

Consumer Protection & Industry Performance

June 24, 2021

INTRODUCTION AND SUMMARY

Through this Decision and Order, the Ontario Energy Board (OEB) amends Burlington Hydro Inc.'s (Burlington Hydro) electricity distribution licence to exempt it from compliance with section 2.6.3 of the Distribution System Code (DSC) and section 2.6.2 (d) of the Standard Supply Service Code (SSSC) until no later than September 30, 2021, and to exempt it from compliance with section 5.1.3 (b) of the DSC until no later than December 31, 2021.

Burlington Hydro operates under electricity distribution licence No. ED-2003-0004. Burlington Hydro has existing exemptions from section 2.6.3 of the DSC and section 2.6.2 (d) of the SSSC that expire on June 30, 2021, and an exemption from section 5.1.3 (b) of the DSC until September 30, 2021.

This application follows several prior similar amendments to Burlington Hydro's licence that were approved by the OEB, and which are discussed below.

This Decision and Order is being issued by the Delegated Authority, without holding a hearing pursuant to section 6(4) of the *Ontario Energy Board Act, 1998* (OEB Act).

BACKGROUND

Prior Exemptions from section 2.6.3 of the DSC and section 2.6.2 (d) of the SSSC

On March 14, 2019, the OEB gave notice under section 70.2 of the OEB Act of a number of customer service rules-related amendments to the DSC and SSSC that would take effect on March 1, 2020.¹ On October 25, 2019, Burlington Hydro filed an application with the OEB for a licence amendment to exempt it from having to comply with these amendments by their March 1, 2020 in-force date. Burlington Hydro claimed that it was in the process of winding down its legacy customer information system (CIS), and replacing it with a new CIS which, once fully implemented, would meet all the requirements of the amended customer service rules. Burlington Hydro submitted that its new CIS would have an estimated in-service date in Q3 of 2020. In its Decision and Order issued on February 11, 2020 (EB-2019-0265), the OEB approved the amendment

¹ Ontario Energy Board Notice of Amendments to the Distribution System Code, the Standard Supply Service Code, the Unit Sub-Metering Code and Gas Distribution Access Rule, EB-2017-0183, issued March 14, 2019.

to Burlington Hydro's licence, exempting the company from compliance with the identified sections of the DSC and SSSC until August 31, 2020. In granting the exemption, the OEB concluded that it would not be prudent for Burlington Hydro to incur significant costs to customize its legacy CIS, which was to soon be replaced.

Following the initial exemption granted in EB-2019-0265, Burlington Hydro filed three additional applications requesting an extension of the period for which the utility would be exempt from compliance with section 2.6.3 of the DSC and section 2.6.2 (d) of the SSSC. Burlington Hydro's rationale for the extension requests has been that the CIS go-live date was delayed due to key project resources being re-allocated from the CIS project to support unplanned customer service and billing system changes related to the COVID-19 pandemic, and to support continued business operations in light of the challenges imposed by the COVID-19 pandemic. The OEB granted the extension requests² and the exemptions from compliance with section 2.6.3 of the DSC and section 2.6.2 (d) of the SSSC are currently set to expire on June 30, 2021.

Prior Exemption from section 5.1.3 (b) of the DSC

Section 5.1.3 (b) of the DSC came into force on May 21, 2014. It required distributors to install a MIST (Metering Inside Settlement Time) meter on any existing customer facilities where the customer has a monthly average peak demand during a calendar year of over 50 kW (GS>50 kW customers) by no later than August 21, 2020.

On July 23, 2020, the OEB issued a Decision and Order (EB-2020-0187) amending the licenses of all electricity distributors to exempt them from having to comply with section 5.1.3 (b) of the DSC until March 31, 2021. In that decision, the OEB acknowledged that the operational challenges related to the COVID-19 pandemic could reasonably lead to an unavoidable delay in meeting the August 21, 2020 deadline by many distributors. The OEB also stated that, if any distributor required an extension beyond March 31, 2021, it would need to make a separate application.

In its EB-2020-0307 application, filed on December 22, 2020, Burlington Hydro requested an extension of the temporary exemption from section 5.1.3 (b) of the DSC

² EB-2020-0154 – Extension until December 31, 2020 granted on July 23, 2020
EB-2020-0214 – Extension until March 31, 2021 granted on November 19, 2020
EB-2020-0307 – Extension until June 30, 2021 granted on March 4, 2021

from March 31, 2021 to September 30, 2021. Burlington Hydro stated that its compliance with section 5.1.3 (b) is fully dependent on the implementation of its new CIS, which is delayed due to the operational challenges related to the COVID-19 pandemic, and that it cannot commence the MIST meter implementation until after the new CIS is operational. The OEB granted the extension request and the exemption from compliance with section 5.1.3 (b) of the DSC is currently set to expire on September 30, 2021.

APPLICATION

On May 20, 2021, Burlington Hydro applied for a further extension of the temporary exemption from section 2.6.3 of the DSC and section 2.6.2 (d) of the SSSC from June 30, 2021 to September 30, 2021, and a further extension of the temporary exemption from section 5.1.3 (b) of the DSC from September 30, 2021 to December 31, 2021.

Burlington Hydro states that the scheduled implementation of its new CIS continues to be negatively impacted by the COVID-19 pandemic, including the challenges with coordinating internal and external resources remotely, unplanned policy and pricing changes, and the introduction of new customer support programs stemming from the COVID-19 pandemic. Burlington Hydro states that after filing its last application in December 2020, it had to prioritize implementation of the following unplanned regulatory and billing changes over the implementation of the new CIS:

- New Regulated Price Plan (RPP) rates, effective January 1, 2021;
- New RPP rates, effective February 23, 2021;
- Programming, testing and bill presentment changes associated with changed electricity rates and Ontario Electricity Rebate; and
- Revised COVID-19 Energy Assistance Program (CEAP and CEAP-SB) eligibility requirements and funding caps, issued on January 14, 2021, which required it to reassess previously rejected applications using the new eligibility criterion.

Burlington Hydro states that implementation of the required changes caused re-allocation of its key resources from the CIS project and testing of the changes in the CIS development environment, which consequently put on hold testing for the new CIS implementation. These factors along with ongoing operational challenges related to the COVID-19 pandemic have resulted in further delays to the planned implementation schedule, and in-service date, of the utility's new CIS. Burlington Hydro submits that it

expects its new CIS to be live by September 30, 2021, and that it will be able to fully comply with the requirements set out in section 2.6.3 of the DSC and section 2.6.2 (d) of the SSSC by September 30, 2021.

Burlington Hydro submits that its request for an extension from section 5.1.3(b) of the DSC to December 31, 2021 is based on the fact that it cannot commence the MIST meter implementation until after the new CIS is operational.

FINDINGS

The OEB finds that additional unplanned changes to the legacy CIS that Burlington Hydro had to implement, together with ongoing challenges related to the COVID-19 pandemic, have resulted in a further delay to the implementation of Burlington Hydro's new CIS. The OEB finds this delay reasonable in the circumstances.

Consistent with its previous decisions relating to this issue, the OEB finds that it would not be prudent to require Burlington Hydro to incur further costs to adjust a soon to be replaced CIS solely for the purpose of meeting the requirements of sections 2.6.3 of the DSC and section 2.6.2 (d) of the SSSC by June 30, 2021 and to meet the requirements of section 5.1.3 (b) of the DSC by September 30, 2021. The OEB does not believe the further delay in implementing these three provisions will materially impact consumers. The OEB does, however, expect that in the next three months, Burlington Hydro will conclude implementation of its new CIS so that it is in operation on September 30, 2021. The OEB therefore grants the application and approves an amendment to Burlington Hydro's licence which will exempt the utility from compliance with section 2.6.3 of the DSC and section 2.6.2 (d) of the SSSC until no later than September 30, 2021. The OEB is also amending Burlington Hydro's licence to exempt it from section 5.1.3.(b) of the DSC until no later than December 31, 2021 on the basis that Burlington Hydro must complete its implementation of the new CIS in order to comply with that section of the DSC.

IT IS ORDERED THAT:

1. Burlington Hydro Inc.'s Electricity Distribution Licence ED-2003-0004, specifically Schedule 3 "List of Code Exemptions", is amended to include an exemption from section 2.6.3 of the Distribution System Code. This exemption expires on September 30, 2021.
2. Burlington Hydro Inc.'s Electricity Distribution Licence ED-2003-0004, specifically Schedule 3 "List of Code Exemptions", is amended to include an exemption from section 2.6.2 (d) of the Standard Supply Service Code. This exemption expires on September 30, 2021.
3. Burlington Hydro Inc.'s Electricity Distribution Licence ED-2003-0004, specifically Schedule 3 "List of Code Exemptions", is amended to include an exemption from section 5.1.3 (b) of the Distribution System Code. This exemption expires on December 31, 2021.

DATED at Toronto, June 24, 2021

ONTARIO ENERGY BOARD

Original Signed By

Brian Hewson
Vice President, Consumer Protection & Industry Performance



Electricity Distribution Licence

ED-2003-0004

Burlington Hydro Inc.

Valid Until

March 31, 2023

Original Signed By

Brian Hewson

**Vice President, Consumer Protection and Industry Performance
Ontario Energy Board**

Date of Issuance: October 17, 2003

Date of Amendment: June 24, 2021

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LIST OF AMENDMENTS

OEB File No.	Date of Amendment
EB-2008-0398	April 16, 2009
EB-2010-0215	November 12, 2010
EB-2011-0137	August 17, 2011
EB-2012-0065	March 16, 2012
EB-2014-0324	December 18, 2014
EB-2016-0015	January 28, 2016
EB-2017-0101	March 31, 2017
EB-2017-0095	May 4, 2017
EB-2017-0242, EB-2017-0244 and EB-2017-0249	June 29, 2017
EB-2017-0318	February 8, 2018
EB-2019-0167	September 12, 2019
EB-2019-0265	February 11, 2020
EB-2020-0085	March 2, 2020
EB-2020-0154	July 23, 2020
EB-2020-0185	September 11, 2020
EB-2020-0214	November 19, 2020
EB-2020-0307	March 4, 2021
EB-2021-0167	June 24, 2021

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1 Definitions

In this Licence:

“Accounting Procedures Handbook” means the handbook, approved by the Board which specifies the accounting records, accounting principles and accounting separation standards to be followed by the Licensee;

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

“Affiliate Relationships Code for Electricity Distributors and Transmitters” means the code, approved by the Board which, among other things, establishes the standards and conditions for the interaction between electricity distributors or transmitters and their respective affiliated companies;

“distribution services” means services related to the distribution of electricity and the services the Board has required distributors to carry out, including the sales of electricity to consumers under section 29 of the Act, for which a charge or rate has been established in the Rate Order;

“Distribution System Code” means the code approved by the Board which, among other things, establishes the obligations of the 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;

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

“IESO” Independent Electricity System Operator;

“Licensee” means Burlington Hydro Inc.

“Market Rules” means the rules made under section 32 of the Electricity Act;

“OPA” means the Ontario Power Authority;

“Performance Standards” means the performance targets for the distribution and connection activities of the Licensee as established by the Board in accordance with section 83 of the Act;

“Rate Order” means an Order or Orders of the Board establishing rates the Licensee is permitted to charge;

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

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

“service area” with respect to a distributor, means the area in which the distributor is authorized by its licence to distribute electricity;

“Standard Supply Service Code” means the code approved by the Board which, among other things, establishes the minimum conditions that a distributor must meet in carrying out its obligations to sell electricity under section 29 of the Electricity Act;

“wholesaler” means a person that purchases electricity or ancillary services in the IESO administered markets or directly from a generator or, a person who sells electricity or ancillary services through the IESO-administered markets or directly to another person other than a consumer.

2 Interpretation

- 2.1 In this Licence, words and phrases shall have the meaning ascribed to them in the Act or the Electricity Act. Words or phrases importing the singular shall include the plural and vice versa. Headings are for convenience only and shall not affect the interpretation of the Licence. Any reference to a document or a provision of a document includes an amendment or supplement to, or a replacement of, that document or that provision of that document. In the computation of time under this Licence, where there is a reference to a number of days between two events, they shall be counted by excluding the day on which the first event happens and including the day on which the second event happens and where the time for doing an act expires on a holiday, the act may be done on the next day that is not a holiday.

3 Authorization

- 3.1 The Licensee is authorized, under Part V of the Act and subject to the terms and conditions set out in this Licence:
- a) to own and operate a distribution system in the service area described in Schedule 1 of this Licence;
 - b) to retail electricity for the purposes of fulfilling its obligation under section 29 of the Electricity Act in the manner specified in Schedule 2 of this Licence; and
 - c) to act as a wholesaler for the purposes of fulfilling its obligations under the Retail Settlement Code or under section 29 of the Electricity Act.

4 Obligation to Comply with Legislation, Regulations and Market Rules

- 4.1 The Licensee shall comply with all applicable provisions of the Act and the Electricity Act and regulations under these Acts, except where the Licensee has been exempted from such compliance by regulation.
- 4.2 The Licensee shall comply with all applicable Market Rules.

5 Obligation to Comply with Codes

- 5.1 The Licensee shall at all times comply with the following Codes (collectively the “Codes”) approved by the Board, except where the Licensee has been specifically exempted from such compliance by the Board. Any exemptions granted to the licensee are set out in Schedule 3 of this Licence. The following Codes apply to this Licence:
- a) the Affiliate Relationships Code for Electricity Distributors and Transmitters;

- b) the Distribution System Code;
- c) the Retail Settlement Code; and
- d) the Standard Supply Service Code.

5.2 The Licensee shall:

- a) make a copy of the Codes available for inspection by members of the public at its head office and regional offices during normal business hours; and
- b) provide a copy of the Codes to any person who requests it. The Licensee may impose a fair and reasonable charge for the cost of providing copies.

6 Obligation to Provide Non-discriminatory Access

- 6.1 The Licensee shall, upon the request of a consumer, generator or retailer, provide such consumer, generator or retailer with access to the Licensee's distribution system and shall convey electricity on behalf of such consumer, generator or retailer in accordance with the terms of this Licence.

7 Obligation to Connect

- 7.1 The Licensee shall connect a building to its distribution system if:

- a) the building lies along any of the lines of the distributor's distribution system; and
- b) the owner, occupant or other person in charge of the building requests the connection in writing.

- 7.2 The Licensee shall make an offer to connect a building to its distribution system if:

- a) the building is within the Licensee's service area as described in Schedule 1; and
- b) the owner, occupant or other person in charge of the building requests the connection in writing.

- 7.3 The terms of such connection or offer to connect shall be fair and reasonable and made in accordance with the Distribution System Code, and the Licensee's Rate Order as approved by the Board.

- 7.4 The Licensee shall not refuse to connect or refuse to make an offer to connect unless it is permitted to do so by the Act or a regulation or any Codes to which the Licensee is obligated to comply with as a condition of this Licence.

8 Obligation to Sell Electricity

- 8.1 The Licensee shall fulfill its obligation under section 29 of the Electricity Act to sell electricity in accordance with the requirements established in the Standard Supply Service Code, the Retail Settlement Code and the Licensee's Rate Order as approved by the Board.

9 Obligation to Maintain System Integrity

- 9.1 The Licensee shall maintain its distribution system in accordance with the standards established in the Distribution System Code and Market Rules, and have regard to any other recognized industry operating or planning standards adopted by the Board.

10 Market Power Mitigation Rebates

- 10.1 The Licensee shall comply with the pass through of Ontario Power Generation rebate conditions set out in Appendix A of this Licence.

11 Distribution Rates

- 11.1 The Licensee shall not charge for connection to the distribution system, the distribution of electricity or the retailing of electricity to meet its obligation under section 29 of the Electricity Act except in accordance with a Rate Order of the Board.

12 Separation of Business Activities

- 12.1 The Licensee shall keep financial records associated with distributing electricity separate from its financial records associated with transmitting electricity or other activities in accordance with the Accounting Procedures Handbook and as otherwise required by the Board.

13 Expansion of Distribution System

- 13.1 The Licensee shall not construct, expand or reinforce an electricity distribution system or make an interconnection except in accordance with the Act and Regulations, the Distribution System Code and applicable provisions of the Market Rules.
- 13.2 In order to ensure and maintain system integrity or reliable and adequate capacity and supply of electricity, the Board may order the Licensee to expand or reinforce its distribution system in accordance with Market Rules and the Distribution System Code, or in such a manner as the Board may determine.

14 Provision of Information to the Board

- 14.1 The Licensee shall maintain records of and provide, in the manner and form determined by the Board, such information as the Board may require from time to time.
- 14.2 Without limiting the generality of paragraph 14.1, the Licensee shall notify the Board of any material change in circumstances that adversely affects or is likely to adversely affect the business, operations or assets of the Licensee as soon as practicable, but in any event no more than twenty (20) days past the date upon which such change occurs.

15 Restrictions on Provision of Information

- 15.1 The Licensee shall not use information regarding a consumer, retailer, wholesaler or generator obtained for one purpose for any other purpose without the written consent of the consumer, retailer, wholesaler or generator.

- 15.2 The Licensee shall not disclose information regarding a consumer, retailer, wholesaler or generator to any other party without the written consent of the consumer, retailer, wholesaler or generator, except where such information is required to be disclosed:
- a) to comply with any legislative or regulatory requirements, including the conditions of this Licence;
 - b) for billing, settlement or market operations purposes;
 - c) for law enforcement purposes; or
 - d) to a debt collection agency for the processing of past due accounts of the consumer, retailer, wholesaler or generator.
- 15.3 The Licensee may disclose information regarding consumers, retailers, wholesalers or generators where the information has been sufficiently aggregated such that their particular information cannot reasonably be identified.
- 15.4 The Licensee shall inform consumers, retailers, wholesalers and generators of the conditions under which their information may be released to a third party without their consent.
- 15.5 If the Licensee discloses information under this section, the Licensee shall ensure that the information provided will not be used for any other purpose except the purpose for which it was disclosed.

16 Customer Complaint and Dispute Resolution

- 16.1 The Licensee shall:
- a) have a process for resolving disputes with customers that deals with disputes in a fair, reasonable and timely manner;
 - b) publish information which will make its customers aware of and help them to use its dispute resolution process;
 - c) make a copy of the dispute resolution process available for inspection by members of the public at each of the Licensee's premises during normal business hours;
 - d) give or send free of charge a copy of the process to any person who reasonably requests it; and
 - e) subscribe to and refer unresolved complaints to an independent third party complaints resolution service provider selected by the Board. This condition will become effective on a date to be determined by the Board. The Board will provide reasonable notice to the Licensee of the date this condition becomes effective.

17 Term of Licence

- 17.1 This Licence shall take effect on October 17, 2003 and expire on March 31, 2023. The term of this Licence may be extended by the Board.

18 Fees and Assessments

18.1 The Licensee shall pay all fees charged and amounts assessed by the Board.

19 Communication

19.1 The Licensee shall designate a person that will act as a primary contact with the Board on matters related to this Licence. The Licensee shall notify the Board promptly should the contact details change.

19.2 All official communication relating to this Licence shall be in writing.

19.3 All written communication is to be regarded as having been given by the sender and received by the addressee:

- a) when delivered in person to the addressee by hand, by registered mail or by courier;
- b) ten (10) business days after the date of posting if the communication is sent by regular mail; and
- c) when received by facsimile transmission by the addressee, according to the sender's transmission report.

20 Copies of the Licence

20.1 The Licensee shall:

- a) make a copy of this Licence available for inspection by members of the public at its head office and regional offices during normal business hours; and
- b) provide a copy of this Licence to any person who requests it. The Licensee may impose a fair and reasonable charge for the cost of providing copies.

21 Conservation and Demand Management

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22 Pole Attachments

22.1 The Licensee shall provide access to its distribution poles to all Canadian carriers, as defined by the Telecommunications Act, and to all cable companies that operate in the Province of Ontario. For each attachment, with the exception of wireless attachments, the Licensee shall charge the rate approved by the Board and included in the Licensee's tariff.

22.2 The Licensee shall:

- a) annually report the net revenue, and the calculations used to determine that net revenue, earned from allowing wireless attachments to its poles. Net revenues will be accumulated in a deferral account approved by the Board;

- b) credit that net revenue against its revenue requirement subject to Board approval in rate proceedings; and
- c) provide access for wireless attachments to its poles on commercial terms normally found in a competitive market.

23 Administration of COVID-19 Energy Support Program

23.1 For the purposes of paragraphs 23.1 to 23.8:

“Application Form” means the form of application for CEAP approved by the Board, including the use of that form by telephone

“CEAP” means the COVID-19 Energy Assistance Program as described in the Board’s Decision and Order dated June 16, 2020

“CEAP-eligible account” means an account in the Licensee’s residential class that meets all of the following criteria:

- (a) the account was in good standing (i.e. all amounts on account of electricity charges that were payable were fully paid) on March 17, 2020, and the account was not enrolled in an arrears payment for amounts owing prior to March 17, 2020
- (b) complete payment on account of electricity charges has not been made on at least two electricity bills issued since March 17, 2020, and the account has an Overdue Balance on the date of receipt of the Application Form for the account including where the account is enrolled in an arrears payment agreement for amounts incurred following March 17, 2020,
- (c) the account has not received funding under the Low-income Energy Assistance Program or the Ontario Electricity Support Program in 2020; and
- (d) the account holder has provided a complete Application Form and has declared, through the Application Form, that they or their spouse or common-law partner that resides in the same residence:
 - are unemployed on the date that they provide their completed Application Form to the Licensee
 - have received Employment Insurance or the Canada Emergency Response Benefit since March 17, 2020

“Overdue Balance” means the amount by which the account holder’s balance is past due in respect of Electricity Charges at the time the Application Form is received by the Licensee. Amounts that may be on the bill but are not yet past due are not part of the Overdue Balance.

“electricity charges” means:

- (a) charges that appear under the sub-headings “Electricity”, “Delivery”, and “Regulatory Charges” as described in Ontario Regulation 275/04 (Information on Invoices to Certain

Classes of Consumers of Electricity) made under the Act, and all applicable taxes on those charges;

- (b) where applicable, charges prescribed by regulations under section 25.33 of the Electricity Act and all applicable taxes on those charges
- (c) Board-approved specific service charges, including late payment charges, and such other charges and applicable taxes associated with the consumption of electricity as may be required by law to be included on the bill issued to the customer or as may be designated by the Board for the purposes of this definition, but not including security deposits, amounts owed by a customer pursuant to a billing adjustment, or amounts under an arrears payment agreement entered into prior to March 17, 2020; and
- (d) any financial assistance provided for under the *Ontario Rebate for Electricity Consumers Act, 2016*

23.2 The Licensee shall start to accept Application Forms as of July 13, 2020.

23.3 The Licensee shall:

- (a) Make copies of the Application Form available on its web site and to any customer on request.
- (b) Process all complete Application Forms in the order in which they are received.
- (c) Accept Application Forms by e-mail or mail, and may also allow the Application Form to be completed online or by telephone, provided that where Application Forms are completed by telephone the call must be recorded and must document confirmation of all information requested on the Application Form, including consent and the applicant's declaration of eligibility.
- (d) Process each complete Application Form within 10 business days of receipt.

23.4 The Licensee shall provide a credit to a CEAP-eligible account in an amount equal to half of the Overdue Balance for the account:

- (a) to a maximum of \$230, where the Application Form declares that the account is for a residence that mainly uses electric heating or in which an eligible medical device is used
- (b) to a maximum of or \$115, in all other cases.

23.5 The credit must be applied on the next bill issued to the CEAP-eligible account after the processing of the Application Form for the account as set out in paragraph 23.3(d), where feasible, and in any event no later than on the following bill.

23.6 Despite paragraph 23.4:

- (a) The Licensee is not required to provide a credit to a CEAP-eligible account if the total amount of CEAP funding available to the Licensee as specified by the Board has been expended; and
 - (b) The Licensee shall not provide a credit to a CEAP-eligible account more than once.
- 23.7 Reimbursement for credits provided by the Licensee to CEAP-eligible accounts, up to the total referred to in paragraph 23.5(a), are recoverable from the Independent Electricity System Operator. The Licensee shall provide information in such form and manner, and within such time, as the IESO may reasonably require, in respect of requests for reimbursement. The Licensee shall not seek reimbursement from the Independent Electricity System Operator for any amount above the total referred to in paragraph 23.5(a) or on account of any costs relating to the administration of CEAP.
- 23.8 The Licensee shall keep the following records for two years, and make them available to the Board upon request:
- (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.
 - (b) A record of all Application Forms that were accepted as complete and a credit was provided to CEAP-eligible accounts, and a record of all Application Forms that were denied
 - (c) A record of the credit provided to each CEAP-eligible account, as well as the total amount of credits provided to all CEAP-eligible accounts.
- 23.9 The Licensee shall report to the Board, as soon as practicable, the date on which the total amount of CEAP funding referred to in paragraph 23.5(a) has been expended.
- 23.10 Paragraphs 23.1 to 23.8 govern over any provisions of the Distribution System Code or the Standard Supply Service Code in the event of any inconsistency.

24 Administration of COVID-19 Energy Support Program – Small Business

24.1 For the purposes of paragraphs 24.1 to 24.8:

“Application Form” means the form of application for CEAP-SB approved by the Board, including the use of that form by telephone

“CEAP-SB” means the COVID-19 Energy Assistance Program – Small Business as described in the Board’s Decision and Order dated August 7, 2020

“CEAP-SB eligible account” means an account for premises in the Licensee’s GS<50 class (for electricity distributors) / relevant commercial class and whose annual usage is less than 150,000 kWh (for USMPs) that meets all of the following criteria:

- a) the account holder has a registered business number or charitable registration number for the business or registered charity operating out of the premises,

- b) the account was in good standing (i.e. all amounts on account of electricity charges that were payable were fully paid) on March 17, 2020, and the account was not enrolled in an arrears payment agreement for amounts owing prior to March 17, 2020,
- c) complete payment on account of electricity charges has not been made on at least two electricity bills issued since March 17, 2020, and the account has an Overdue Balance on the date of receipt of the Application Form for the account including where the account is enrolled in an arrears payment agreement for amounts incurred following March 17, 2020,
- d) the account holder has confirmed in the Application Form that it is not applying for a CEAP-SB credit for another location or electricity account anywhere in the Province of Ontario for the same small business or registered charity,
- e) the account holder has provided a complete Application Form and has declared, through the Application Form, that their small business or registered charity's premises was required to close to the public for regular operations for at least 15 days as a result of a government order or inability to comply with public health recommendations.

Note that the Licensee is only required to verify the information in items (b), (c), and (e) above.

"electricity charges" means:

- a) charges that appear under the sub-headings "Electricity", "Delivery", and "Regulatory Charges" as described in Ontario Regulation 275/04 (Information on Invoices to Certain Classes of Consumers of Electricity) made under the Act, and all applicable taxes on those charges;
- b) where applicable, charges prescribed by regulations under section 25.33 of the Electricity Act and all applicable taxes on those charges
- c) Board-approved specific service charges, including late payment charges, and such other charges and applicable taxes associated with the consumption of electricity as may be required by law to be included on the bill issued to the customer or as may be designated by the Board for the purposes of this definition, but not including security deposits, amounts owed by a customer pursuant to a billing adjustment, or amounts under a payment agreement entered into prior to March 17, 2020; and
- d) any financial assistance provided for under the *Ontario Rebate for Electricity Consumers Act, 2016*; and

"Overdue Balance" means the amount by which the account holder's balance is past due in respect of Electricity Charges at the time the Application Form is received by the Licensee. Amounts that may be on the bill but are not yet past due are not part of the Overdue Balance.

24.2 The Licensee shall start to accept Application Forms as of August 31, 2020.

24.3 The Licensee shall:

- a) Make copies of the Application Form available on its web site and to any customer on request.
 - b) Process all complete Application Forms in the order in which they are received.
 - c) Accept Application Forms by e-mail or mail, and may also allow the Application Form to be completed online or by telephone, provided that where Application Forms are completed by telephone the call must be recorded and must document confirmation of all information requested on the Application Form, including consent and the applicant's declaration of eligibility.
 - d) Process each complete Application Form within 10 business days of receipt.
- 24.4 The Licensee shall provide a credit to a CEAP-SB eligible account up to the amount of the Overdue Balance for the account:
- a) to a maximum of \$850, where the Application Form declares that the account is for small business or registered charity premises that primarily uses electricity for heating; or
 - b) to a maximum of or \$425, in all other cases.
- The credit must be applied on the next bill issued to the CEAP-SB eligible account after the processing of the Application Form for the account as set out in paragraph 24.3(d), where feasible, and in any event no later than on the following bill.
- 24.5 Despite paragraph 24.4:
- a) The Licensee is not required to provide a credit to a CEAP-SB eligible account if the total amount of CEAP-SB funding available to the Licensee as specified by the Board has been expended; and
 - b) The Licensee shall not provide a credit to a CEAP-SB eligible account more than once.
- 24.6 Reimbursement for credits provided by the Licensee to CEAP-SB eligible accounts, up to the total referred to in paragraph 24.5(a), are recoverable from the Independent Electricity System Operator. The Licensee shall provide information in such form and manner, and within such time, as the IESO may reasonably require, in respect of requests for reimbursement. The Licensee shall not seek reimbursement from the Independent Electricity System Operator for any amount above the total referred to in paragraph 24.5(a) or on account of any costs relating to the administration of CEAP-SB.
- 24.7 The Licensee shall keep the following records for two years, and make them available to the Board upon request:
- 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.
 - 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.
- 24.8 The Licensee shall report to the Board, as soon as practicable, the date on which the total amount of CEAP-SB funding referred to in paragraph 24.5(a) has been expended.
- 24.9 Paragraphs 24.1 to 24.8 govern over any provisions of the Distribution System Code or the Standard Supply Service Code in the event of any inconsistency.

SCHEDULE 1 DEFINITION OF DISTRIBUTION SERVICE AREA

This Schedule specifies the area in which the Licensee is authorized to distribute and sell electricity in accordance with paragraph 8.1 of this Licence.

1. The City of Burlington as of November 7, 1998, excluding the following municipal addresses:

- 5222 No. 1 Side Road
- 5244 No. 1 Side Road
- 5300 No. 1 Side Road
- 6080 Bell School Line
- 6100 Bell School Line
- 6144 Bell School Line
- 6220 Bell School Line
- 6550 Bell School Line
- 6500 Bell School Line
- 2576 Derry Road
- 2580 Derry Road
- 2584 Derry Road
- 5274 Derry Road
- 5192 Derry Road
- 5184 Derry Road
- 5150 Derry Road
- 5150 Derry Road
- 5150 Derry Road
- 5118 Derry Road
- 4316 Derry Road
- 4280 Derry Road
- 4262 Derry Road
- 4240 Derry Road
- 4220 Derry Road
- 4200 Derry Road
- 4140 Derry Road
- 4130 Derry Road
- 4110 Derry Road
- 4082 Derry Road
- 4050 Derry Road
- 4030 Derry Road
- 4020 Derry Road
- 4006 Derry Road
- 3900 Derry Road
- 3800 Derry Road
- 3700 Derry Road
- 3200 Derry Road
- 3154 Derry Road
- 2192 Derry Road
- 2180 Derry Road
- 2130 Derry Road

- 1200 Derry Road
- 6719 McNiven Road
- 6740 McNiven Road

2. Customers in the Town of Milton at the following municipal addresses:

- 5073 Bell School Line
- 5073 Bell School Line
- 5741 Bell School Line

3. Customers in the City of Hamilton at the following municipal addresses:

- 694 Parkside Drive, Flamborough, ON (PIN # 17515-0050)
- 702 Parkside Drive, Flamborough, ON (PIN # 17515-0052)
- 1910 King Road, Flamborough, ON (PIN # 17501-0150)
- 2000 Valley Inn Road, Hamilton, ON (PIN # 17130-0016)
- 348 Mountain Brow Road, Hamilton (PIN # 17072-0012)

4. Customers in the Town of Oakville at the following municipal addresses:

- 1477 Burloak Road
- 1491 Burloak Road
- 1515 Burloak Road
- 1519 Burloak Road
- 1523 Burloak Road
- 1535 Burloak Road
- 3287 Tremaine Road
- 3451 Tremaine Road

SCHEDULE 2 PROVISION OF STANDARD SUPPLY SERVICE

This Schedule specifies the manner in which the Licensee is authorized to retail electricity for the purposes of fulfilling its obligation under section 29 of the Electricity Act.

1. The Licensee is authorized to retail electricity directly to consumers within its service area in accordance with paragraph 8.1 of this Licence, any applicable exemptions to this Licence, and at the rates set out in the Rate Orders.

SCHEDULE 3 LIST OF CODE EXEMPTIONS

This Schedule specifies any specific Code requirements from which the Licensee has been exempted.

1. Licensee is exempt from the requirements of section 2.5.3 of the Standard Supply Service Code with respect to the price for small volume/residential consumers, subject to the Licensee offering an equal billing plan as described in its application for exemption from Fixed Reference Price, and meeting all other undertakings and material representations contained in the application and the materials filed in connection with it.
2. Licensee is exempt from the requirement to implement time-of-use pricing as of the mandatory date for RPP customers with eligible time-of-use meters as required under the Standard Supply Service Code for Electricity Distributors. The mandatory time-of-use pricing date exemption expires on January 1, 2012.
3. Licensee is exempt from the requirements of section 2.6.3 of the Distribution System Code. This exemption takes effect on March 1, 2020 and expires on September 30, 2021.
4. Licensee is exempt from the requirements of section 2.6.2(d) of the Standard Supply Service Code. This exemption takes effect on March 1, 2020 and expires on September 30, 2021.
5. Licensee is exempt from the requirements of section 5.1.3(b) of the Distribution System Code. This exemption expires on December 31, 2021.

APPENDIX A

MARKET POWER MITIGATION REBATES

1. Definitions and Interpretations

In this Licence

“embedded distributor” means a distributor who is not a market participant and to whom a host distributor distributes electricity;

“embedded generator” means a generator who is not a market participant and whose generation facility is connected to a distribution system of a distributor, but does not include a generator who consumes more electricity than it generates;

“host distributor” means a distributor who is a market participant and who distributes electricity to another distributor who is not a market participant.

In this Licence, a reference to the payment of a rebate amount by the IESO includes interim payments made by the IESO.

2. Information Given to IESO

- a Prior to the payment of a rebate amount by the IESO to a distributor, the distributor shall provide the IESO, in the form specified by the IESO and before the expiry of the period specified by the IESO, with information in respect of the volumes of electricity withdrawn by the distributor from the IESO-controlled grid during the rebate period and distributed by the distributor in the distributor’s service area to:
 - i consumers served by a retailer where a service transaction request as defined in the Retail Settlement Code has been implemented; and
 - ii consumers other than consumers referred to in clause (i) who are not receiving the fixed price under sections 79.4, 79.5 and 79.16 of the *Ontario Energy Board Act, 1998*.
- b Prior to the payment of a rebate amount by the IESO to a distributor which relates to electricity consumed in the service area of an embedded distributor, the embedded distributor shall provide the host distributor, in the form specified by the IESO and before the expiry of the period specified in the Retail Settlement Code, with the volumes of electricity distributed during the rebate period by the embedded distributor’s host distributor to the embedded distributor net of any electricity distributed to the embedded distributor which is attributable to embedded generation and distributed by the embedded distributor in the embedded distributor’s service area to:
 - i consumers served by a retailer where a service transaction request as defined in the Retail Settlement Code has been implemented; and
 - ii consumers other than consumers referred to in clause (i) who are not receiving the fixed price under sections 79.4, 79.5 and 79.16 of the *Ontario Energy Board Act, 1998*.
- c Prior to the payment of a rebate amount by the IESO to a distributor which relates to electricity

consumed in the service area of an embedded distributor, the host distributor shall provide the IESO, in the form specified by the IESO and before the expiry of the period specified by the IESO, with the information provided to the host distributor by the embedded distributor in accordance with section 2.

The IESO may issue instructions or directions providing for any information to be given under this section. The IESO shall rely on the information provided to it by distributors and there shall be no opportunity to correct any such information or provide any additional information and all amounts paid shall be final and binding and not subject to any adjustment.

For the purposes of attributing electricity distributed to an embedded distributor to embedded generation, the volume of electricity distributed by a host distributor to an embedded distributor shall be deemed to consist of electricity withdrawn from the IESO-controlled grid or supplied to the host distributor by an embedded generator in the same proportion as the total volume of electricity withdrawn from the IESO-controlled grid by the distributor in the rebate period bears to the total volume of electricity supplied to the distributor by embedded generators during the rebate period.

3. Pass Through of Rebate

A distributor shall promptly pass through, with the next regular bill or settlement statement after the rebate amount is received, any rebate received from the IESO, together with interest at the Prime Rate, calculated and accrued daily, on such amount from the date of receipt, to:

- a retailers who serve one or more consumers in the distributor's service area where a service transaction request as defined in the Retail Settlement Code has been implemented;
- b consumers who are not receiving the fixed price under sections 79.4, 79.5 and 79.16 of the *Ontario Energy Board Act, 1998* and who are not served by a retailer where a service transaction request as defined in the Retail Settlement Code has been implemented; and
- c embedded distributors to whom the distributor distributes electricity.

The amounts paid out to the recipients listed above shall be based on energy consumed and calculated in accordance with the rules set out in the Retail Settlement Code. These payments may be made by way of set off at the option of the distributor.

If requested in writing by OPGI, the distributor shall ensure that all rebates are identified as coming from OPGI in the following form on or with each applicable bill or settlement statement:

“ONTARIO POWER GENERATION INC. rebate”

Any rebate amount which cannot be distributed as provided above or which is returned by a retailer to the distributor in accordance with its licence shall be promptly returned to the host distributor or IESO as applicable, together with interest at the Prime Rate, calculated and accrued daily, on such amount from the date of receipt.

Nothing shall preclude an agreement whereby a consumer assigns the benefit of a rebate payment to a retailer or another party.

Pending pass-through or return to the IESO of any rebate received, the distributor shall hold the funds received in trust for the beneficiaries thereof in a segregated account.

ONTARIO POWER GENERATION INC. REBATES

For the payments that relate to the period from May 1, 2006 to April 30, 2009, the rules set out below shall apply.

1. Definitions and Interpretations

In this Licence

“embedded distributor” means a distributor who is not a market participant and to whom a host distributor distributes electricity;

“embedded generator” means a generator who is not a market participant and whose generation facility is connected to a distribution system of a distributor, but does not include a generator who consumes more electricity than it generates;

“host distributor” means a distributor who is a market participant and who distributes electricity to another distributor who is not a market participant.

In this Licence, a reference to the payment of a rebate amount by the IESO includes interim payments made by the IESO.

2. Information Given to IESO

- a Prior to the payment of a rebate amount by the IESO to a distributor, the distributor shall provide the IESO, in the form specified by the IESO and before the expiry of the period specified by the IESO, with information in respect of the volumes of electricity withdrawn by the distributor from the IESO-controlled grid during the rebate period and distributed by the distributor in the distributor’s service area to:
 - i consumers served by a retailer where a service transaction request as defined in the Retail Settlement Code has been implemented and the consumer is not receiving the prices established under sections 79.4, 79.5 and 79.16 of the *Ontario Energy Board Act, 1998*; and
 - ii consumers other than consumers referred to in clause (i) who are not receiving the fixed price under sections 79.4, 79.5 and 79.16 of the *Ontario Energy Board Act, 1998*.
- b Prior to the payment of a rebate amount by the IESO to a distributor which relates to electricity consumed in the service area of an embedded distributor, the embedded distributor shall provide the host distributor, in the form specified by the IESO and before the expiry of the period specified in the Retail Settlement Code, with the volumes of electricity distributed during the rebate period by the embedded distributor’s host distributor to the embedded distributor net of any electricity distributed to the embedded distributor which is attributable to embedded generation and distributed by the embedded distributor in the embedded distributor’s service area to:

- i consumers served by a retailer where a service transaction request as defined in the Retail Settlement Code has been implemented; and
 - ii consumers other than consumers referred to in clause (i) who are not receiving the fixed price under sections 79.4, 79.5 and 79.16 of the *Ontario Energy Board Act, 1998*.
- c Prior to the payment of a rebate amount by the IESO to a distributor which relates to electricity consumed in the service area of an embedded distributor, the host distributor shall provide the IESO, in the form specified by the IESO and before the expiry of the period specified by the IESO, with the information provided to the host distributor by the embedded distributor in accordance with section 2.

The IESO may issue instructions or directions providing for any information to be given under this section. The IESO shall rely on the information provided to it by distributors and there shall be no opportunity to correct any such information or provide any additional information and all amounts paid shall be final and binding and not subject to any adjustment.

For the purposes of attributing electricity distributed to an embedded distributor to embedded generation, the volume of electricity distributed by a host distributor to an embedded distributor shall be deemed to consist of electricity withdrawn from the IESO-controlled grid or supplied to the host distributor by an embedded generator in the same proportion as the total volume of electricity withdrawn from the IESO-controlled grid by the distributor in the rebate period bears to the total volume of electricity supplied to the distributor by embedded generators during the rebate period.

3. Pass Through of Rebate

A distributor shall promptly pass through, with the next regular bill or settlement statement after the rebate amount is received, any rebate received from the IESO, together with interest at the Prime Rate, calculated and accrued daily, on such amount from the date of receipt, to:

- a retailers who serve one or more consumers in the distributor's service area where a service transaction request as defined in the Retail Settlement Code has been implemented and the consumer is not receiving the prices established under sections 79.4, 79.5 and 79.16 of the *Ontario Energy Board Act, 1998*;
- b consumers who are not receiving the fixed price under sections 79.4, 79.5 and 79.16 of the *Ontario Energy Board Act, 1998* and who are not served by a retailer where a service transaction request as defined in the Retail Settlement Code has been implemented; and
- c embedded distributors to whom the distributor distributes electricity.

The amounts paid out to the recipients listed above shall be based on energy consumed and calculated in accordance with the rules set out in the Retail Settlement Code. These payments may be made by way of set off at the option of the distributor.

If requested in writing by OPGI, the distributor shall ensure that all rebates are identified as coming from OPGI in the following form on or with each applicable bill or settlement statement:

“ONTARIO POWER GENERATION INC. rebate”

Any rebate amount which cannot be distributed as provided above or which is returned by a retailer to the distributor in accordance with its licence shall be promptly returned to the host distributor or IESO as applicable, together with interest at the Prime Rate, calculated and accrued daily, on such amount from the date of receipt.

Nothing shall preclude an agreement whereby a consumer assigns the benefit of a rebate payment to a retailer or another party.

Pending pass-through or return to the IESO of any rebate received, the distributor shall hold the funds received in trust for the beneficiaries thereof in a segregated account.