



Ontario
Energy
Board | Commission
de l'énergie
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DECISION AND ORDER

EB-2020-0162

EB-2020-0185

**Amending Electricity Distributor and Unit Sub-Meter
Provider Licences to Require Licensees to administer the
COVID-19 Energy Assistance Program and the COVID-19
Energy Assistance Program – Small Business**

BY DELEGATION, BEFORE: Brian Hewson
Vice President,
Consumer Protection & Industry Performance

October 28, 2021

INTRODUCTION

Through a number of Decisions and Orders the Ontario Energy Board (OEB) has made provision for licence conditions related to the implementation of two government-funded programs by licensed electricity distributors and licensed unit sub-meter providers (collectively, Utilities): the COVID-19 Energy Assistance Program (CEAP) for residential customers, and the COVID-19 Energy Assistance Program – Small Business (CEAP-SB) for small business and registered charity customers. In this Decision and Order, the OEB is amending the licences of the Utilities to wind down CEAP and CEAP-SB by inserting “sunset” dates for the processing of applications, credits, and claims for reimbursement from Utilities to the Independent Electricity System Operator (IESO) related to these programs.

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

By [letter](#) dated June 17, 2021, the OEB notified Utilities of the Ministry of Energy’s confirmation that no additional funding would be provided for CEAP or CEAP-SB. The Ministry of Energy also asked the OEB to take whatever prudent steps it considered to be necessary to manage CEAP to a conclusion. By [letter](#) dated July 5, 2021, the OEB provided notice that final funding amounts had been allocated to certain Utilities reporting the greatest need and affirmed that all CEAP funds had been allocated. By [letter](#) dated October 21, 2021, the OEB advised Utilities that they are to cease accepting CEAP and CEAP-SB applications and to remove the related application forms from their websites after October 25, 2021. The letter further advised that Utilities would be unable to submit CEAP or CEAP-SB reimbursement claims to the IESO after November 4, 2021, and that the OEB would be amending Utilities’ licences to reflect this direction.

DECISION

The amendment to licences provided for in this Decision and Order is being made to give effect to the directions provided to Utilities in the OEB’s October 22, 2021 letter, specifically with respect to ceasing to accept applications for CEAP as of October 25, 2021 and to not make any claims for reimbursement from the IESO after November 4, 2021. The changes to the Utilities licences reflect the Ministry of Energy’s request that the OEB should take appropriate steps to manage CEAP and CEAP-SB to a conclusion.

The new licence conditions are effective immediately. All other licence conditions remain unchanged.

Utilities are reminded that they may not claim an amount for reimbursement that is greater than the amount that they have been allocated.

IT IS ORDERED THAT:

1. Sections 23 and 24 of the electricity distribution licence of each electricity distributor are amended to reflect the changes described in this Decision and Order as set out in Attachment A.
2. Sections 12 and 13 of the unit sub-metering licence of each unit sub-meter provider are amended to reflect the changes described in this Decision and Order as set out in set out in Attachment B.

DATED at Toronto October 28, 2021

ONTARIO ENERGY BOARD

Original Signed By

Brian Hewson
Vice President, Consumer Protection & Industry Performance

Attachment A
Decision and Order dated
October 28, 2021
EB-2020-0162/EB-2020-0185
Licence Conditions – Electricity Distributor

23 Administration of COVID-19 Energy Support Program

23.1 For the purposes of paragraphs 23.1 to 23.9:

“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:
 - i) are unemployed on the date that they provide their completed Application Form to the Licensee
 - ii) have received Employment Insurance or the Canada Emergency Response Benefits 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, and cease accepting Application Forms after October 25, 2021.
- 23.3 The Licensee shall:
- a) Make copies of the Application Form available on its web site and to any customer on request until October 25, 2021, after which time the Application Form shall be removed from the web site and will not be provided to customers.
 - 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, until October 25, 2021.
 - 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; and
 - c) The Licensee shall not accept any Application Forms after October 25, 2021, and shall not seek reimbursement for any CEAP credits from the IESO after November 4, 2021.
- 23.7 Reimbursement for credits provided by the Licensee to CEAP-eligible accounts, up to the total referred to in paragraph 23.4(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 amounts above the total referred to in paragraph 23.4(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 total amount of CEAP funding referred to in paragraph 23.4(a) has been expended.
- 23.10 Paragraphs 23.1 to 23.9 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 24.9:

“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 and cease accepting Application Forms after October 25, 2021.

24.3 The Licensee shall:

- a) Make copies of the Application Form available on its web site and to any customer on request until October 25, 2021, after which time the Application Form shall be removed from the web site and will not be provided to customers.
- 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, until October 25, 2021.

- 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.
- 24.5 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.
- 24.6 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; and
 - c) The Licensee shall not accept any Application Forms after October 25, 2021, and shall not seek reimbursement for any CEAP credits from the IESO after November 4, 2021.
- 24.7 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.
- 24.8 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-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.
- 24.9 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.
- 24.10 Paragraphs 24.1 to 24.9 govern over any provisions of the Distribution System Code or the Standard Supply Service Code in the event of any inconsistency

Attachment B
Decision and Order dated October 28, 2021
EB-2020-0162/EB-2020-0185
Licence Conditions – Unit Sub-Meter Provider

12 Administration of COVID-19 Energy Support Program

12.1 For the purposes of paragraphs 12.1 to 12.9:

“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:
 - i) are unemployed on the date that they provide their completed Application Form to the Licensee
 - ii) have received Employment Insurance or the Canada Emergency Response Benefits 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:

12.2

- 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*
- 12.3 The Licensee shall start to accept Application Forms as of July 13, 2020, and cease accepting Application Forms after October 25, 2021.
- 12.4 The Licensee shall:
- a) Make copies of the Application Form available on its web site and to any customer on request until October 25, 2021, after which time the Application Form shall be removed from the web site and will not be provided to customers.
 - 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, until October 25, 2021.
 - d) Process each complete Application Form within 10 business days of receipt.
- 12.5 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.
- 12.6 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 12.3(d), where feasible, and in any event no later than on the following bill.
- 12.7 Despite paragraph 12.4:
- 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; and
 - c) The Licensee shall not accept any Application Forms after October 25, 2021 and shall not seek

reimbursement for any CEAP credits from the IESO after November 4, 2021.

- 12.8 Reimbursement for credits provided by the Licensee to CEAP-eligible accounts, up to the total referred to in paragraph 12.4(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 amounts above the total referred to in paragraph 12.4(a) or on account of any costs relating to the administration of CEAP.
- 12.9 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.
- 12.10 The Licensee shall report to the Board, as soon as practicable, the date on which to total amount of CEAP funding referred to in paragraph 12.4(a) has been expended.
- 12.11 Paragraphs 12.1 to 12.9 govern over any provisions of the Distribution System Code or the Standard Supply Service Code in the event of any inconsistency.

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

- 13.1 For the purposes of paragraphs 13.1 to 13.9:

“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.

13.2 The Licensee shall start to accept Application Forms as of August 31, 2020 and cease accepting Application Forms after October 25, 2021.

13.3 The Licensee shall:

- a) Make copies of the Application Form available on its web site and to any customer on request until October 25, 2021, after which time the Application Form shall be removed from the web site and will not be provided to customers.
- 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, until October 25, 2021.
- d) Process each complete Application Form within 10 business days of receipt.

13.4 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.
- 13.5 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 13.3(d), where feasible, and in any event no later than on the following bill.
- 13.6 Despite paragraph 13.4:
- 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; and
 - c) The Licensee shall not accept any Application Forms after October 25, 2021 and shall not seek reimbursement for any CEAP credits from the IESO after November 4, 2021.
- 13.7 Reimbursement for credits provided by the Licensee to CEAP-SB eligible accounts, up to the total referred to in paragraph 13.4(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 13.4(a) or on account of any costs relating to the administration of CEAP-SB.
- 13.8 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-SB.
 - a) 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.
 - b) 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.
- 13.9 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 13.4(a) has been expended.
- 13.10 Paragraphs 13.1 to 13.9 govern over any provisions of the Distribution System Code or the Standard Supply Service Code in the event of any inconsistency