



January 15, 2025

Mr. Eamon O’Riordan
Ms. Gona Jaffe
Mr. Michael Beare
USMP Review Team
Ontario Energy Board
2300 Yonge Street
27th floor, P.O. Box 2319
Toronto, ON
M4P 1E4

Proposed Amendments to the Unit Sub-Metering Code to Increase Awareness of the Consumer Protection Framework for Customers of Unit Sub-Meter Providers | Ontario Energy Board File No. EB-2023-0345

Dear Ms. Jaffe, Mr. O’Riordan and Mr. Beare:

On behalf of The Sub-metering Council of Ontario (SCO), thank you for the opportunity to participate in the OEB’s review of the existing consumer protection framework for customers of Unit Sub-Meter Providers (USMPs) in the province, and the recent release of the OEB’s Summary Report (“the Report”) and proposed amendments to the USM Code (“proposed amendments”). We appreciate the OEB’s efforts to engage broadly with all stakeholders over the last several months, and the thoughtful recommendations and proposed amendments that will enhance consumer protection for customers. This letter provides comments with respect to the OEB’s Report and proposed amendments to the USM Code.

About the SCO

The SCO¹ is the voice of Ontario’s leading sub-metering providers, who are at the forefront of creating a culture of energy conservation in Ontario’s commercial and multi-residential sectors. For decades, Ontario’s sub-metering leaders have demonstrated the value of sub-metering for both electricity consumers and Ontario’s electricity system. As an industry, we deliver value to Ontario by:

¹ The Sub-Metering Council of Ontario includes the following companies: Metergy Solutions Inc. (formerly Enercare Connections), Provident Energy Management Inc., Wyse Meter Solutions Inc. and CARMA Corporation.

- enabling significant energy conservation in multi-residential and commercial buildings (approximately 40% reduced electricity consumption compared to bulk-metered multi-residential buildings, according to a study by NAVIGANT Consulting (now called Guidehouse);
- lowering greenhouse gas emissions as a direct result of this conservation;
- reducing demands on Ontario’s electrical infrastructure, particularly in large urban centres like Toronto, Ottawa and beyond; and,
- offering competitive fees, innovative services and savings provided to buildings and consumers as a result of Ontario’s competitive sub-metering market, all within a regulated industry that provides consumer protection and support to Ontario families.

Our work has included the development of a variety of proactive and voluntary consumer protection measures, including a voluntary code of conduct (the forebearer to the OEB’s Unit Sub-Metering Code), and measures to support customers during winter months and the COVID-19 pandemic by implementing a disconnection ban.

Comments with respect to the Report and proposed USM Code amendments

As stated earlier, the SCO appreciates the USMP Review Team’s efforts to engage with all stakeholders throughout the consultation process and the development of proposals that will enhance consumer protection, create greater awareness of the USMP industry in Ontario, while having regard to the Board’s legislative authority and the specific circumstances of USMPs as competitive businesses. Furthermore, the OEB’s proposed approach enhances consumer information and protection, without adding costs that would ultimately be borne by USMP customers.

A. Public education and awareness of USMP industry, proposed amendments to USM Code 3.3.1A and 3.3.1B

One of the findings in the 2022 Auditor General’s report was that Ontario consumers would benefit from more information and education published by the OEB on the USMP sector so that customers can have a better understanding of the services provided by USMPs, their charges and performance. We commend the OEB for the initial updates that have been made to the Board’s website in fall 2023 regarding the USMP sector, and other materials posted on social media. In addition to the SCO’s own efforts and individual USMPs, we believe that continued communication by the OEB on the important role that USMPs play in Ontario electricity system, consumer protections, and other information, will help to broaden and deepen awareness of the USMP industry.

The SCO supports the OEB’s proposal to amend the USM Code via Section 3.3.1A and 3.3.1B which would require all USMPs to communicate a minimum of twice yearly (based on the preference indicated by a USMP customer) the following information:

- (a) information about the availability of arrears payment agreements;*
- (b) information about the availability of LEAP and OESP and any other electricity bill financial assistance program that the unit sub-meter providers may be required to make available to its residential consumers;*

*(c) information about how to access the unit sub-meter provider's Conditions of Service; and
(d) information about how to contact the Board to file a complaint.*

This measure ensures that, in addition to current ongoing communication, all licensed USMPs provide important consumer protection information to their customers at least twice yearly.

B. Conditions of Service: New mandatory information for winter disconnections and application of reconnection charges, Notice to the OEB on changes

The SCO supports the proposed amendments to the USM Code that pertains to inclusion as a part of the Mandatory Conditions of Service (Section 3.2.5) the following sections:

(d.1) its policy in relation to the timing of the application of any charge for reconnecting residential consumers who have been disconnected for non-payment, and any conditions under which the reconnection charge may be waived;

(e.1) its policy in relation to disconnecting residential consumers for non-payment at any time during the winter period and in relation to the reconnection of residential consumers during the winter period who had been disconnected for non-payment, which for greater clarity includes a policy permitting disconnection and/or refraining from reconnection during the winter period;

SCO members also support the addition of a new section 3.2.4A which would require a unit sub-meter provider to notify the OEB of any change to its Conditions of Service related to any of the subject matters listed in section 3.2.5 within 5 business days of the change taking effect. This is important and appropriate so that the OEB can carry out its oversight function of USMPs.

C. Performance Measures for USMPs

The OEB's effort in finding an appropriate mechanism to share USMP performance without adding costs to customers is to be commended. All SCO members utilize a variety of KPIs as part of their business operations but as a competitive industry this is not standardized. The proposed approach by the OEB sets the right balance by ensuring that customers will have information with respect to consumer complaints where the OEB has jurisdiction (i.e. electricity sub-metering services). We understand that the USMP complaints scorecard will be published with the LDC complaints scorecard annually, and will include data for the following five categories: billing, disconnection, customer satisfaction, meters, and customer accounts, which will be published for each USMP as a proportion to their overall customer base (e.g. number/1000 customers). As the Board has recognized in the past for both LDC and USMP complaints data, the data provided is not necessarily an indication of whether or not electricity utilities/USMPs are following the rules and regulations. Nevertheless, the data may provide a view on performance, trends, or the need for the OEB and/or individual USMPs to provide more information to customers on USMP service standards and consumer protections.

D. Amendments to update language in the USM Code, other amendments

The SCO supports the proposal to amend the USM Code to replace the word “master” to better reflect the multi-residential building sector. To remain consistent with Ontario industry practice and the language used by buildings, property managers, and metering service providers, we recommend the following as an alternative:

- Replacing “master bill” with “bulk bill”;
- Replacing “master consumer” with “bulk consumer”; and,
- Replacing “master meter” with “bulk meter”.

The SCO also supports the following proposed minor amendments:

- 3.3.1 replacing the word “sub-metering” with “sub-meter”; and,
- 4.2.7A replacing the word “distributor” with the words “unit sub-meter provider”.

Thank you for the opportunity to participate in the USMP Review process. Should you have questions or require further information or clarification, please let us know.

Sincerely,



Christopher Holz
Secretariat
The Submetering Council of Ontario
c / o 199 Bay Street, Suite 3210
Toronto, ON
M5L 1E7
T: 416-368-7353 x104
E: chrish@campbellstrategies.com

C: Ms. Tasneem Essaji, Director, Distribution and Consumer Assistance Branch, Ministry of Energy and Electrification