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BY EMAIL AND WEB POSTING

August 25, 2020

**NOTICE OF REVISED PROPOSAL TO AMEND
THE STANDARD SUPPLY SERVICE CODE**

OEB FILE NO.: EB-2020-0152

**To: All Licensed Electricity Distributors
All Licensed Electricity Retailers
All Licensed Unit Sub-Meter Providers
Independent Electricity System Operator
All Participants in Consultation Process EB-2020-0152
All Other Interested Parties**

The Ontario Energy Board (OEB) is giving notice under section 70.2 of the *Ontario Energy Board Act, 1998* (OEB Act) of specific revised proposed amendments to the [Standard Supply Service Code](#) (SSSC) to enable electricity consumers on the Regulated Price Plan (RPP) to opt out of time-of-use (TOU) prices and to elect instead to be charged on the basis of tiered pricing. As set out in section F, written comments on the revisions described in section B are invited by **September 1, 2020**. Other than those revisions, the OEB intends to adopt the amendments to the SSSC as they were originally proposed.

A. Background

On July 15, 2020, the OEB issued a [Notice of Proposal](#) (the July Notice) in which it proposed amendments to the SSSC (the July Proposed Amendments). The July Notice followed the announcement by the Government of Ontario that it intends to introduce customer choice for RPP consumers who pay TOU prices. On August 21, 2020,

[amendments](#) to O. Reg. 95/05 (Classes of Consumers and Determination of Rates) under the OEB Act came into force to implement the customer choice initiative. The amendments require the OEB, as of November 1, 2020, “to require distributors to permit consumers ... that would otherwise be charged time-of-use prices for electricity under section 3.4 of the Standard Supply Service Code to elect instead to be charged tiered prices for electricity under section 3.3 of that Code.” They further specify that the exercise of an election “is subject to any conditions that may be specified by the [OEB].”

The OEB received 18 written comments on the July Proposed Amendments from stakeholders. Eleven of the comments were from electricity distributors or distributor associations, five were from consumer groups, one was from an electricity retailer, and one was from a company that provides billing services to electricity distributors. All of the comments are posted on the [webpage for this initiative](#).

After considering the written comments, the OEB is proposing revisions to the July Proposed Amendments. These revisions are described below. The full text of the revised proposed amendments to the SSSC is attached as an appendix to this Notice, with the proposed revisions highlighted in grey. Relative to the July Proposed Amendments, the main changes and clarifications include:

- Clarification of the proposed requirement for distributors to rely on meter data provided by the Smart Metering Entity (SME)
- Not proceeding with the proposed requirement to confirm the implementation of a consumer’s election to change price structure by way of an on-bill message
- Clarification and elaboration of the proposed rules that would build customer choice into certain account changes, such as the opening of a new account

These revisions are discussed in greater detail in section B below. More generally, the revisions are intended to facilitate the timely, cost effective and efficient implementation of the new customer choice initiative by November 1, 2020. As further experience is gained with the implementation of the new rules over time, the OEB may revisit elements of its approach if warranted, including to address areas of consumer concern with the election process.

Other than the revisions described in section B below, the OEB intends to adopt the amendments to the SSSC as set out in the July Proposed Amendments.

The OEB is also taking this opportunity to confirm that it will allow distributors to track their costs of implementing the customer choice initiative in a deferral account.

B. Revised Proposal

Meter Reading by the SME

All distributors currently receive billing quantities for residential and general service less than 50 kilowatt (kW) TOU consumers from the Independent Electricity System Operator (IESO) in its capacity as the SME. The July Proposed Amendments proposed that the SME would continue to perform this function for any residential or general service less than 50 kW RPP consumer that makes the switch to tiered pricing. As explained in the July Notice, an advantage of this approach is that it would facilitate the centralized collection and reporting of data the OEB expects to require as an input to RPP price-setting (such as reporting on the number of RPP consumers that have switched from TOU to tiered, and their associated load shape and energy volumes). This data would otherwise be required to be reported by distributors.

A number of distributors commented that they would prefer to continue to receive billing quantities from the SME under the TOU “framing structure” used by the Meter Data Management/Repository (MDM/R) for the purpose of billing RPP consumers who have elected to be charged tiered prices. Some distributors said the use of any other framing structure would necessitate significant reconfiguration of their systems. Some distributors added that a benefit of continuing to use the TOU framing structure is that it would enable consumers who opt out of TOU pricing to compare price structures, since distributors would still have records of their consumption on TOU even though they are not billed on TOU. That is, consumers on tiered pricing could find out what their own TOU electricity usage profile looks like from the distributor, and use that information to determine whether switching back to TOU pricing makes sense. An association of distributors suggested that distributors should be able to do their own meter reading and not rely on the SME for consumers who have opted out of TOU pricing. Consumer groups were generally supportive of requiring distributors to continue to rely on the SME.

To ensure a better understanding of the written comments provided on this specific issue, the OEB convened a stakeholder meeting on August 13, 2020. Nearly 90 participants joined the call, including representatives of many distributors, the SME, and a consumer group. At the meeting, there was a broad consensus that distributors should continue to be allowed to use the TOU framing structure for receiving billing quantities irrespective of the pricing structure to be applied. Distributors stated that even if the data is framed by the SME under the TOU framing structure, they would still be able to use the data to bill RPP consumers who opted out of TOU pricing.

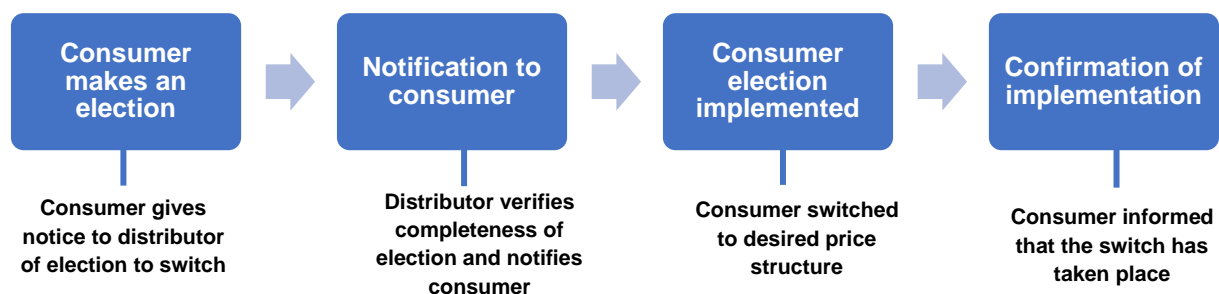
The meeting also discussed the proposal, suggested in comments on the July Notice, that the SME track switching behaviour through the “commodity rate class” flag that is already built into the MDM/R. The SME is already required by OEB order (EB-2015-0297, January 26, 2016) to collect information from distributors about the commodity rate class associated with each meter, and distributors have a corresponding obligation under section 53.15(1) of the *Electricity Act, 1998* to provide the SME “with such information as it requires to fulfil its objects or conduct its business activities”, so no incremental amendments to the SSSC are necessary to ensure the SME has the data the OEB may need for RPP price-setting purposes.

The OEB is proposing to revise the wording of the proposed new section 3.5.13 of the SSSC (formerly section 3.5.14 in the July Proposed Amendments) in a way that makes it clear that no changes to the MDM/R framing structure used by distributors are required for the purposes of billing customers on tiered prices. More specifically, section 3.5.13 would require distributors to rely on the SME for “the provision of consumption amounts for billing purposes”, which does not expressly or by implication refer to any particular framing structure. As initially drafted in the July Proposed Amendments, the provision would have required distributors to rely on the SME for “the calculation of billing quantities”, which was interpreted by many distributors as necessarily implying the use of the “periodic” framing structure that is also built into the MDM/R, which is a framing structure suitable for meters used to bill on the basis of tiered prices but not for those used to bill on the basis of TOU prices.

The intent is to allow a distributor to continue billing based on meter data under the TOU framing structure even after a customer has moved to tiered prices, if that is the distributor’s preference. If, on the other hand, a distributor would prefer to use the data under the periodic framing structure, it may do so.

Consumer Notification

The July Notice described a four-step process for processing a consumer’s election to opt out of TOU prices:



The second step in the election process is the requirement for the distributor to send a notification to the consumer within 10 business days of receiving the consumer's notice of election, indicating either when the new price structure will appear on the consumer's bill or else that the election could not be processed (and the reasons why not). The July Proposed Amendments proposed that this notification would have to be delivered by the same communication channel used by the consumer to make the election – so, for example, if the consumer made the election by telephone, the distributor would make the notification by telephone. Several distributors suggested that this restriction on the method of delivery be relaxed. One of them recommended that the OEB adopt the same rule as in section 4.2.4A of the Distribution System Code (DSC), which requires that an account overdue notice be delivered “by the customer's preferred method of communication, if known, or otherwise by mail or any other means determined to be appropriate by the distributor.”

The OEB agrees with that recommendation and has proposed modifications to proposed new section 3.5.6 of the SSSC to that effect.

Some distributors questioned the need for the second process step altogether, particularly in cases where there is no deficiency in the notice of election, as the consumer will already know to expect the switch, and will see it reflected on the bill once implemented. The OEB continues to believe that it is important for consumers to be advised about the status of their election, and in particular about when they can expect their election to become effective. Depending on when the consumer makes the election relative to its billing cycle, there could be several weeks between the submission of a notice of election and the time the consumer receives the first bill displaying the new pricing; this could lead to consumer confusion and enquiries.

Confirmation of Implementation

The fourth and final step in the process described in the July Notice would be a one-time on-bill message confirming that the consumer has been moved to a different price structure (proposed section 3.5.8 of the July Proposed Amendments).

Several distributors expressed concerns about this step. Some suggested that their billing systems are not programmed to provide an on-bill message for specific customers and that it would be costly and challenging to develop this incremental functionality, especially by the early fall. Others questioned the value of this requirement, since electing customers will have already received notice of the pending change from the distributor (step 2 in the process) and will in any case see the new

pricing structure on the Electricity line of the bill once the switch has been implemented. There was support for the on-bill message from some consumer groups.

In response to the concerns raised by distributors about the technical feasibility of adapting their systems to accommodate the on-bill message in time for November 1, 2020, the OEB is not proceeding with this aspect of the July Proposed Amendments. While distributors are permitted to provide such a message (or to confirm the switch by other means such as a bill insert), it will not be mandated at this time.

As a consequence, the OEB is also not proceeding with the related proposed reporting requirement that would have applied to any distributor that failed, at least once in any calendar quarter, to include the message on the first bill issued to the consumer under the new price structure (proposed section 3.5.9 of the July Proposed Amendments).

Account Changes

The July Proposed Amendments proposed that distributors be required to ask eligible consumers if they would like to elect to be charged tiered prices before (a) opening a new account; (b) moving from a contract with an electricity retailer to standard supply service; or (c) returning to the RPP from market-based pricing (proposed section 3.5.10 of the July Proposed Amendments, now renumbered as section 3.5.8). It was also proposed that the change be implemented with the first bill issued to the consumer after the account is opened or the first bill after the change is implemented; absent an election, accounts would default to TOU.

Some distributors raised concerns that the proposed rule would be too onerous in respect of consumers opening a new account, returning to the RPP from market-based pricing or returning to the RPP from a retail contract. Some distributors also identified other account change scenarios that were not expressly dealt with in the proposed rule.

Opening a New Account

Several distributors stated that the account opening process is often automated. They perceived the proposed amendment as introducing additional customer contact, which would be a manual addition to the process, and would add cost and administrative burden.

The proposed amendment is not intended to introduce an additional customer outreach when a distributor opens a new account, including in the case of a customer move. Rather, the OEB's expectation is that distributors integrate the option to switch to tiered

pricing into existing processes. For example, in processing a move request over the telephone, customers would be informed of the option to choose between tiered and TOU pricing and asked if they wish to be charged on the basis of tiered pricing. A similar question could be included in online or paper forms.

The OEB is proposing to revise the wording of the new provision in the SSSC (section 3.5.8) to make the OEB's expectation clearer.

Switching from Retailers

Several distributors expressed concern that switches from retailers are problematic since, for many of them, such transactions are entirely automated, and it would be technically challenging to implement system changes to enable the consumer to make an election in time for that election to take effect at the same time as the consumer returns to the RPP.

Given the technical difficulty involved in treating these switches in the same manner as new accounts by the customer choice implementation date and that only a very small proportion of RPP-eligible consumers purchase their electricity under a retail contract, the OEB will not at this time proceed with the requirement in the July Proposed Amendments for a distributor to ask a consumer switching from a contract with a retailer to standard supply service whether the customer would like to be charged tiered pricing before the switch to standard supply takes effect. Once switched to standard supply, these consumers would be able to make an election in accordance with the usual timelines under section 3.5.4.

Rate Reclassification

One distributor raised the question of how non-residential consumers who are reclassified into a class that is eligible for the RPP would be treated under the July Proposed Amendments.

Rate reclassification is a process, governed by section 2.5 of the DSC, by which utilities review a non-residential consumer's rate classification to determine whether the consumer should be assigned to a different rate class. In some cases, a non-residential consumer is reassigned to a class that is eligible for the RPP – and would therefore have the ability to select tiered or TOU pricing.

The OEB is proposing a new section in the SSSC to ensure such consumers are provided with a choice of price structure (section 3.5.9). A reclassification is different from the types of account changes governed by the proposed section 3.5.8, namely,

opening a new account or returning to the RPP from spot pricing. In those cases, the consumer initiates contact with the distributor (to request the new account or the return to RPP), providing an opportunity for the election option to be readily operationalized as part of the change. A reclassification, however, is typically initiated by the distributor. In such cases, the distributor is required to notify the consumer no less than one billing cycle in advance (section 2.5.5 of the DSC). Even if the notification specifically prompted the consumer to make a choice between TOU and tiered prices, the consumer might not actually communicate that choice to the distributor until shortly before the commencement of the first billing period under the new rate class, making it impracticable for the distributor to reflect that choice on the bill for that first billing period.

Accordingly, the OEB is proposing to require distributors to process a reclassified consumer's choice of price plans based on the 10 business day rule in section 3.5.4. That is, if a distributor determines that a consumer should be reclassified to an RPP-eligible rate class, the distributor must advise the consumer of the choice between TOU and tiered prices. That choice could be conveyed in the notice that must be sent under section 2.5.5 of the DSC. If the consumer notifies the distributor at least 10 business days before the start of the first billing period under the new rate class that the consumer would prefer tiered prices, the distributor would need to ensure the bill for that first billing period would reflect tiered prices. If the distributor receives the election with less than 10 business days to go, the first billing period would be under TOU and the second billing period would be under tiered unless it is practicable for the distributor to implement the change for the first billing period. As in the case of other changes, if no election is conveyed the default is TOU.

Other Account Changes

A distributor also asked about how the account change rules would apply in the case of a new build, where the builder is not the final customer, and in the case where a landlord takes over responsibility for the payment of charges after a tenant closes an account, pursuant to a landlord reversion agreement under section 2.8.3A of the DSC.

In the OEB's view, no revisions to the July Proposed Amendments are required to address these two scenarios. If the builder opens an account for a new build, the account would be considered a new account under the revised proposed section 3.5.8. The distributor would need to give the builder the choice of pricing structures, and to ensure the first bill issued to the builder reflects that choice (or default to TOU if no choice is indicated); the 10 business day rule under section 3.5.4 would not apply. Likewise, when the final customer purchases the new build, that customer's account

would be considered a new account. Landlord reversions are also treated as a new account and would therefore also be subject to the revised proposed section 3.5.8.

Minor Drafting Issues

A consumer group pointed out some minor drafting issues in sections 1.6.7, 3.2.4, 3.81 and 3.8.2, as set out in the July Proposed Amendments (e.g. concerning cross-references to other sections of the SSSC that are to be revoked as part of these amendments). These have been addressed in the revised proposed amendments as shown in the appendix. The proposed edits to these provisions are not intended to substantively change the July Proposed Amendments.

In response to comments from a consumer group and a distributors' association, the OEB is also proposing edits to the proposed section 3.5.4. These edits are meant to make it clearer that a distributor must begin charging the consumer tiered prices in the consumer's next billing period if the consumer's notice of election is received at least 10 business days before the start of that billing period, *or even where the election is received later than that, if it is practicable for the distributor to do so*. If the notice of election is received less than 10 business days before the start of the next billing period and it is not practicable to implement the election for that billing period, it must implement the election for the following billing period. The reference in the July Proposed Amendments to a distributor being "unable" to process an election in time for the next billing period has been replaced with "not practicable" – this is meant for consistency with the proposed section 3.5.5 (and the existing section 3.8.2), which also use the term "practicable", and to signal that reasonable efforts are required.

The OEB is also proposing to revise the wording of the proposed new section 3.5.8 to make it clearer that, where a consumer does not elect to be charged tiered prices before opening a new account or moving from spot market prices to the RPP, the consumer must be charged TOU prices by default; however, the consumer can always elect later to opt out of TOU prices.

C. Response to Other Stakeholder Comments

The OEB wishes to address some of the stakeholder comments on certain aspects of the July Proposed Amendments where no revisions are proposed.

Coming into Force

The amendments to O. Reg. 95/05 provide for customer choice to be in place as of November 1, 2020. The July Notice proposed that the amendments to the SSSC would come into force on October 13, 2020. This date would allow distributors as much time as reasonably possible to implement the necessary system changes and make the election form available, while still providing consumers an opportunity to access, review and submit the form in time for the election to take effect in respect of the first billing period that begins on or after November 1, 2020.

Stakeholder comments on this issue were mixed. Many distributors argued for more time to implement the changes; some consumer groups argued the effective date should be even earlier.

The OEB remains of the view that October 13, 2020 is the most appropriate date for the proposed amendments to come into force in the circumstances, in order to maximize the customer choice opportunity for consumers while also having regard to the time required for distributors to operationalize the election process. A consumer with a billing period beginning on November 1, 2020 will need to submit the notice of election at least 10 business days before November 1, 2020 to ensure the election takes effect on November 1, 2020. Postponing the effective date would reduce the time available for such consumers (and others who are billed early in the month) for submitting an election in time for it to be implemented by the next billing cycle. The OEB anticipates having materials to raise consumer awareness of customer choice available before October 13, 2020.

Frequency of Switching

The July Proposed Amendments proposed that anyone who elects to switch from TOU to tiered pricing be permitted to switch back at any time. The July Notice explained that the OEB does not believe that there is a need to impose any limits on the frequency of switching at this time, but that the OEB will monitor the issue over time to see if any limitations to the frequency of switching are warranted.

Some distributors proposed that caps be imposed on the number of times a consumer can switch back and forth between price structures (e.g. four times a year or once a quarter). A common concern expressed by distributors was that unlimited switching would lead to a higher workload. It was also suggested that unlimited switching could result in a higher risk of error and an increased likelihood of consumer confusion

Consumer groups generally supported the OEB's proposal to allow for unlimited switching.

The OEB is not revising this aspect of the July Proposed Amendments. While consumer behaviour cannot be predicted with certainty, there is no evidence that many RPP consumers will actually want to switch back and forth often. Moreover, the OEB heard in the Working Group that was convened as part of this consultation that some distributors would actually find it technically challenging to adapt their systems to track and limit the frequency of switching, and written comments received on the July Proposed Amendments also noted that restrictions on the number of switches would require that distributors create processes and policies and would require time and resources. The OEB remains of the view that there should be maximum flexibility for consumers who, for whatever reason, wish to elect a different price structure. The ability of consumers to change their minds should not be constrained based on risks that can only be speculative at this early stage. As indicated in the July Notice, this will remain a watch item.

Computation of Time

Section 3.5.7 of the July Proposed Amendments stated that the computation of time begins on the day the notice of election is received by the distributor even if the notice is received after normal business hours, or on a day that is not a business day. Two distributors noted that this is different than the computation of time rule in section 2.6.7 of the DSC, which pertains to bill issuance and payment, and suggested that the proposed SSSC provision be aligned with the existing DSC provision.

In the OEB's view, it can be appropriate to have different computation of time rules for different contexts. In the current context, the OEB remains of the view that the computation of time rules set out in the July Proposed Amendments are appropriate in order to facilitate the timely implementation of elections by consumers that wish to change price structures.

Record Retention

The July Proposed Amendments included a requirement for distributors to keep records relating to customer elections for a period of two years, and make them available to the OEB upon request (section 3.5.12 in the July Proposed Amendments; now renumbered as section 3.5.11). One distributor suggested that the reference to "a record of all other communications with individual consumers about electing to be charged prices under section 3.3 or 3.4" was too broad, and recommended instead "a record of all other

communications with individual consumers directly related to an election by that customer to be charged prices under section 3.3 or 3.4.” An association of distributors questioned the need for the requirement, while also noting that some other record retention requirements that apply to distributors specify a seven-year period.

The OEB is not proposing revisions to this provision. It is needed to assist with the resolution of any disputes that may arise between distributors and their customers over an election, and to ensure the OEB can monitor compliance.

D. Other Matters Not Related to the Code Amendments

Global Adjustment

An electricity retailer urged the OEB to require the Global Adjustment to be displayed as a separate line item on RPP consumers’ bills, in conjunction with the proposed amendments to implement the customer choice initiative. This proposal is outside the scope of the customer choice initiative that is the subject of the current notice and comment process.

Consumer Information

Some consumer groups emphasized the importance of ensuring consumers have the information they need to make an election. The OEB agrees. As noted in the July Notice, the OEB “expects distributors to make materials available to support decision-making by their customers” and “is considering what materials or tools would be appropriate for the OEB to develop for use by consumers, and that distributors may then also use if they wish rather than developing their own.” That work is advancing in parallel with the SSSC amendment process and in consultation with stakeholders as required, including updating the OEB’s online bill calculator.

Distributor Conditions of Service

A distributor association suggested that distributors would need to amend their conditions of service to align with the new rules around customer choice, and expressed concern with having to do so before November 1, 2020.

Although no specific changes to the conditions of service were set out in the July Proposed Amendments (nor are they proposed now), distributors should ensure there is no conflict between the current content of their conditions of service and the customer choice rules. If any changes are required to a distributor’s conditions of service, the

OEB expects that those changes will be made in accordance with the process set out in the DSC by November 1, 2020 or, if that date is not feasible, as soon thereafter as they can.

Deferral Account

A distributor and a distributor association asked that the OEB authorize a deferral account in which distributors could record their costs associated with implementing the customer choice initiative. The OEB agrees, and approves the establishment of a generic deferral account for that purpose. A generic accounting order will be issued in the near term. As with any other deferral account, disposition of any amounts recorded would be subject to OEB review in accordance with usual practice.

E. Anticipated Costs and Benefits

The July Notice set out the anticipated costs and benefits of the July Proposed Amendments. It explained that the OEB has striven to minimize implementation costs for distributors while at the same time ensuring that the election process is clear, easy and speedy for consumers and that consumers have access to the information they need to choose the price structure that is right for them.

The revisions that are proposed to the July Proposed Amendments are expected to lower costs and ease implementation for distributors by reducing the number of steps in the election process from four to three, and by clarifying that distributors may continue to use the TOU framing structure in the MDM/R. These changes will not make it any more difficult for consumers to make an election or require them to wait any longer for their election to be processed. Accordingly, the OEB believes that the revised proposal also strikes an appropriate balance.

F. Invitation to Comment

The OEB invites written comments on the revisions to the July Proposed Amendments highlighted in grey in the appendix. All comments must be filed no later than **September 1, 2020**. The OEB considers this to be a reasonable amount of time in view of (a) the relatively limited nature of the revisions and (b) the importance of finalizing the rules as soon as possible to prepare for the October 13, 2020 coming into force.

As noted above, the OEB intends to adopt those of the July Proposed Amendments that are not proposed to be revised as described in this Notice and highlighted in the appendix, and comments should therefore be limited to the revised proposals.

Eligible stakeholders may claim costs in connection with the preparation of written comments on the revised proposals, to a maximum of three hours.¹

All materials filed with the OEB must be submitted in a searchable / unrestricted PDF format with a digital signature through the OEB's web portal at <https://pes.ontarioenergyboard.ca/eservice>. Filings must clearly state the sender's name, postal address, telephone number, fax number and email address. Parties must use the document naming conventions and document submission standards outlined in the RESS Document Guidelines found at <http://www.oeb.ca/Industry>. If the web portal is not available, parties may email their documents to boardsec@oeb.ca.

Filings to the OEB must be received by the Board Secretary by **4:45 p.m.** on the required date. They must quote file number **EB-2020-0152** and include your name, address, telephone number and, where available, your email address and fax number. If the filing is from an individual consumer (i.e., not a lawyer representing a client, not a consultant representing a client or organization, not an individual in an organization that represents the interests of consumers or other groups, and not an individual from a regulated entity), before making the filing available for viewing at the OEB's offices or placing the filing on the OEB's website, the OEB will remove any personal (i.e., not business) contact information from the written comment (i.e., the address, phone number, and email address of the individual). However, the name of the individual and the content of the filing will be available for viewing at the OEB's offices and will be placed on the OEB's website.

This Notice and all written comments received by the OEB in response to it will be posted on the [webpage for this initiative](#).

If you have any questions regarding this Notice, please contact Shona Adamson at shona.adamson@oeb.ca. The OEB's toll-free number is 1-888-632-6273.

DATED August 25, 2020

ONTARIO ENERGY BOARD

Original Signed By

Christine E. Long
Registrar and Board Secretary

¹ As set out in the OEB's June 11, 2020 decision, eligible stakeholders are: Building Owners and Managers Association Toronto, Consumers Council of Canada, London Property Management Association, Low Income Energy Network, and Vulnerable Energy Consumers Coalition.

APPENDIX

**REVISED PROPOSED AMENDMENTS TO THE
STANDARD SUPPLY SERVICE CODE (SSSC)**

AUGUST 25, 2020

*(Comparison Version of the SSSC Attached, Changes Relative to the July Proposed
Amendments Highlighted in Grey)*



Ontario Energy Board

Standard Supply Service Code for Electricity Distributors

Revised ~~XX~~March 1, 2020

(Replacing version issued on March 1, 2020~~14~~,
2019)

Table of Contents

1. GENERAL AND ADMINISTRATIVE PROVISIONS

- 1.1 PURPOSE OF THIS CODE
- 1.2 DEFINITIONS
- 1.3 INTERPRETATION AND DETERMINATIONS BY THE BOARD
- 1.4 TO WHOM THIS CODE APPLIES
- 1.5 HIERARCHY OF CODES
- 1.6 COMING INTO FORCE
- 1.7 APPLICATION OF STANDARD SUPPLY SERVICE PRICES

2. STANDARDS OF BUSINESS PRACTICE AND CONDUCT

- 2.1 STANDARD SUPPLY SERVICE CUSTOMERS
- 2.2 FULFILLMENT OF THE STANDARD SUPPLY SERVICE OBLIGATION
- 2.3 SEPARATION OF ACCOUNTS
- 2.4 CONFIDENTIALITY OF INFORMATION
- 2.5 CREDIT RISK MITIGATION MEASURES
- 2.6 BILLING
- 2.7 DISCLOSURE TO CONSUMERS

3. RATES

- 3.1 RATES GENERALLY
- 3.2 SPOT MARKET PLAN FOR NON-RPP CONSUMERS AND ELECTING SPOT

Standard Supply Service Code

CONSUMERS

- 3.3 REGULATED PRICE PLAN FOR RPP CONSUMERS WITH CONVENTIONAL METERS
- 3.4 REGULATED PRICE PLAN FOR RPP CONSUMERS WITH ELIGIBLE TIME-OF-USE METERS
- 3.5 ~~TRANSITION FOR SECTION 3.4~~ RPP CONSUMER OPT-OUT OF TIME-OF-USE
PRICING
- 3.6 MOVING FROM CONVENTIONAL METER REGULATED PRICE PLAN TO ELIGIBLE TIME-OF-USE METER PRICE PLAN
- 3.7 FINAL RPP VARIANCE SETTLEMENT AMOUNTS FOR RPP CONSUMERS LEAVING REGULATED PRICE PLAN
- 3.8 NOTIFICATION TO RPP CONSUMERS
- 3.9 PILOT PROJECTS

1 GENERAL AND ADMINISTRATIVE PROVISIONS

1.1 Purpose of this Code

- 1.1.1 This Code establishes the manner in which a distributor must provide standard supply service to meet its obligation to sell electricity under section 29 of the Electricity Act or to give effect to rates determined by the Board under section 79.16 of the Act.
- 1.1.2 This Code provides for three regimes applicable to the commodity price for electricity provided as standard supply service:
- (a) spot market-based pricing for non-RPP consumers and electing spot consumers (section 3.2);
 - (b) the Board's regulated price plan contemplated in section 79.16 of the Act for RPP consumers with conventional meters, [and for RPP consumers with eligible time-of-use meters who have elected to be charged on the basis of this regulated price plan in accordance with section 3.5](#) (section 3.3); and
 - (c) the Board's regulated price plan contemplated in section 79.16 of the Act for RPP consumers with eligible time-of-use meters (section 3.4).

1.2 Definitions

- 1.2.1 In this Code, unless the context otherwise requires:

“Accounting Procedures Handbook” means the document approved by the Board that sets out principles, requirements, procedures and practices for preparing and maintaining electric utility accounting records and financial information;

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

“Board” means the Ontario Energy Board;

"business day" means any day other than a Saturday or a holiday;

“Code” means this Standard Supply Service Code;

“consumer-specific information” means information relating to a specific consumer obtained by any person through the process of selling or offering to

Standard Supply Service Code

sell electricity to the consumer, and includes information obtained without the consent of such consumer;

“conventional meter” means a meter other than an eligible time-of-use meter;

“Distribution System Code” means the code issued by the Board which, among other things, establishes the obligations of a distributor with respect to the services and terms of service to be offered to customers and retailers and provides minimum technical operating standards of distribution systems;

“electing spot consumer” means a consumer that is, in accordance with the regulations, eligible to pay the commodity price for electricity determined by the Board under section 79.16 of the Act but that has, in accordance with section 79.16(4) of the Act and the regulations, elected to pay the commodity price for electricity referred to in section 3.2.1A or 3.2.2;

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

“Electricity Distribution Rate Handbook” means the document approved by the Board that sets out the methodology for calculating rates and other charges for electrical distribution service;

“eligible low-income customer” has the same meaning as in the Distribution System Code.

“eligible time-of-use meter” means an interval meter or a meter that measures and records electricity use during each of the periods of the day referred to in section 3.4.1 cumulatively over a meter reading period;

“final RPP variance settlement amount” means the amount charged or credited to an RPP consumer in accordance with section 3.7;

“first term commencement date” means April 1, 2005 or such later date as may be prescribed by regulation as the date on which rates determined by the Board under section 79.16 of the Act take effect;

“holiday” means a holiday described in section 88 of the *Legislation Act, 2006*, S.O. 2006, c. 21, Sched. F as well as the August Civic Holiday;

“IESO” means the Independent Electricity System Operator continued under the Electricity Act;

“interval meter” means a meter that measures and records electricity use on at least an hourly basis;

Standard Supply Service Code

~~“mandatory TOU date” means the date determined by the Board as the date on which the commodity pricing provisions of section 3.4 become mandatory;~~

“non-RPP consumer” means a consumer that is not an RPP consumer;

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

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

“RPP consumer” means a consumer that pays the commodity price for electricity referred to in section 3.3 or 3.4;

“RPP Manual” means the document adopted by the Board which sets out the manner in which the Board will determine prices and other matters for the purposes of or in relation to sections 3.3 to 3.7;

“second term commencement date” means the date on which a change in the initial value of any of $RPCM_{T1}$, $RPCM_{T2}$, $RPEM_{OFF}$, $RPEM_{MID}$, or $RPEM_{ON}$ referred to in section 3.3 or 3.4 comes into effect, which date shall not be earlier than the date that is twelve months from the first term commencement date;

"spot market price" means, for a given hour, the Hourly Ontario Energy Price established by the IESO for that hour;

“standard supply service” means the manner in which a distributor must fulfill its obligation to sell electricity under section 29 of the Electricity Act or to give effect to rates determined by the Board under section 79.16 of the Act as set out in this Code;

“standard supply service customer” means a person to whom a distributor provides standard supply service; and

“third party” with respect to a distributor, means any person other than the distributor.

1.3 Interpretation and Determinations by the Board

- 1.3.1 Unless otherwise defined in this Code, words and phrases shall have the meanings ascribed to them in the Act or the Electricity Act, as the case may be. Where a word or phrase is defined in this Code, the Act or the Electricity Act,

other parts of speech and grammatical forms of the word or phrase have a corresponding meaning. Headings are for convenience only and shall not affect the interpretation of this Code. Words importing the singular include the plural and vice versa. Words importing a gender include any gender. Words importing a person include: (i) an individual; (ii) a company, sole proprietorship, partnership, trust, joint venture, association, corporation or other private or public body corporate; and (iii) any government, government agency or body, regulatory agency or body or other body politic or collegiate. A reference to a person includes that person's successors and permitted assigns. A reference to a body, whether statutory or not, that ceases to exist or whose functions are transferred to another body is a reference to the body that replaces it or that substantially succeeds to its powers or functions. A reference to a document (including a statutory instrument) or a provision of a document includes any amendment or supplement to, or any replacement of, that document or that provision of that document. The expression "including" means including without limitation.

1.3.2 [Revoked by amendment, effective October 8, 2015.]

1.3.3 [Revoked by amendment, effective October 8, 2015.]

1.3.4 If the time for doing any act or omitting to do any act under this Code expires on a day that is not a business day, the act may be done or may be omitted to be done on the next day that is a business day.

1.3.5 Any matter under this Code requiring a determination by the Board:

- (a) shall be determined by the Board in accordance with all applicable provisions of the Act and the regulations; and
- (b) may, subject to the Act, be determined without a hearing, or through an oral, written or electronic hearing, at the Board's discretion.

1.4 To Whom this Code Applies

1.4.1 Except to the extent provided in a distributor's licence, another code issued by the Board or an order of the Board, this Code applies to all licensed distributors.

1.5 Hierarchy of Codes

1.5.1 The order of hierarchy of codes, subject to any specific conditions of a distributor's licence, is as follows:

Standard Supply Service Code

1. Affiliate Relationships Code for Electricity Distributors and Transmitters
2. Distribution System Code
3. Retail Settlement Code
4. Standard Supply Service Code

1.6 Coming into Force

- 1.6.1 This Code shall come into effect as of the first term commencement date and as of that date replaces the Standard Supply Service Code for Electricity Distributors issued by the Board on December 8, 1999.
- 1.6.2 [intentionally left blank]
- 1.6.3 The amendments to sections 1.2.1, 3.2.6, 3.3.2, 3.3.3 and 3.3.4 and the addition of sections 3.2.1A and 3.2.1B come into force on the date on which they are published on the Board's website after having been made by the Board.
- 1.6.4 The amendments to section 2.6.2 come into force on April 1, 2011. The further revisions to sections 2.6.2(a) to (e) and 2.6.2A come into force on October 1, 2011.
- 1.6.5 The amendments to sections 1.2 (definitions of "eligible low-income customer", "Emergency Financial Assistance" and "Social Service Agency and Government Agency"), 1.3.1, 1.3.2, 1.3.3, 1.3.4, 1.3.5, 2.6.2A, 2.6.2B and 2.6.2C come into force on October 1, 2011.
- 1.6.6- The amendments to section 3.9 come into force on March 15, 2017.
- 1.6.7 The amendments to sections 1.1.2(b), 1.2.1 (definition of "mandatory TOU date"), 3.2.4, 3.2.5, 3.2.6, ~~3.3.1~~, 3.3 (heading), 3.3.1, 3.3.2, 3.4 (heading), 3.5 and, 3.6, 3.8.1, 3.8.2, and 3.8.4 -made on [date] come into force on October 13, 2020.

1.7 Application of Standard Supply Service Prices

- 1.7.1 This Code applies with respect to electricity used on and after the first term commencement date.
- 1.7.2 Where, in accordance with regulations made under the Act, an RPP consumer ceases to be eligible to pay the commodity price for electricity determined by the Board under section 79.16 of the Act but remains a standard supply service

Standard Supply Service Code

customer, the distributor shall charge that person the commodity price for electricity determined in accordance with section 3.2 for electricity used by that person on and after the day on which that person becomes a non-RPP consumer.

1.7.3 Where, in relation to an RPP consumer, the Board changes:

- (a) the value of any of $RPCM_{T1}$, $RPCM_{T2}$, $RPEM_{OFF}$, $RPEM_{MID}$, or $RPEM_{ON}$ referred to in section 3.3 or 3.4;
- (b) a tier threshold referred to in section 3.3.2; or
- (c) the hours of the day comprising any of the periods referred to in section 3.4.2(c),

the distributor shall charge that RPP consumer the commodity price for electricity that reflects that change for electricity used by that person on and after the day on which the change comes into effect.

1.7.4 For the purposes of determining the volume of electricity used by a standard supply service customer on and after the day referred to in section 1.7.1, 1.7.2 or 1.7.3, if the distributor's billing period includes that day, the distributor may reasonably estimate the volume of electricity used by that standard supply service customer during the billing period that is to be allocated to the portion of the billing period before that day and the volume of electricity to be allocated to the portion of the billing period that is on and after that day.

1.7.5 A distributor shall allocate total losses (as defined in the Retail Settlement Code) to a standard supply service customer in accordance with the Retail Settlement Code or the distributor's rate order, as applicable.

[\[Note: No amendments are proposed to section 2 and it is not reproduced here\]](#)

3.1 Rates Generally

3.1.1 A distributor shall ensure that it charges a standard supply service customer at rates that are determined, approved or fixed by the Board under section 78 or section 79.16 of the Act (as may be applicable) or that are prescribed by applicable law, and otherwise in accordance with any applicable rate order, and that consist of:

- (a) the commodity price for electricity, determined in accordance with section 3.2, 3.3 or 3.4 (as the case may be);
- (b) a final RPP variance settlement amount, where applicable, determined in accordance with section 3.7;
- (c) an administrative charge that allows the distributor to recover its cost of providing standard supply service, determined in accordance with the methodology prescribed in the Electricity Distribution Rate Handbook;
- (d) such charges or credits as may be set out in the distributor's rate order; and
- (e) such charges or credits as may be prescribed by applicable law.

3.2 Spot Market Plan for Non-RPP Consumers and Electing Spot Consumers

3.2.1 The commodity price for electricity payable by a non-RPP consumer that has a conventional meter shall be the weighted average hourly spot market price, for the period over which the non-RPP consumer is being billed, determined in accordance with the Retail Settlement Code, with such adjustment as may be made by the IESO in accordance with the Electricity Act and the regulations.

3.2.1A The commodity price for electricity payable by an electing spot consumer referred to in section 8(1)(a) of Ontario Regulation 95/05 (Classes of Consumers and Determination of Rates) that has a conventional meter shall be the weighted average hourly spot market price, for the period over which the electing spot consumer is being billed, determined in accordance with the Retail Settlement Code, with such adjustment as may be made by the IESO in accordance with the Electricity Act and the regulations.

Standard Supply Service Code

- 3.2.1B A distributor shall charge an electing spot consumer in accordance with section 3.2.1A only upon being requested to do so in writing by the electing spot consumer. In such a case, the distributor shall charge the electing spot consumer in accordance with section 3.2.1A for electricity consumed after an actual read of the electing spot consumer's meter by the distributor.
- 3.2.2 The commodity price for electricity payable by a non-RPP consumer or an electing spot consumer that has an interval meter or another eligible time-of-use meter that is capable of providing data on at least an hourly basis shall be the spot market price determined in accordance with the Retail Settlement Code, with such adjustment as may be made by the IESO in accordance with the Electricity Act and the regulations.
- 3.2.3 A distributor shall charge an electing spot consumer in accordance with section 3.2.2 only upon being requested to do so in writing by the electing spot consumer and only where the electing spot consumer has an interval meter or another eligible time-of-use meter that is capable of providing data on at least an hourly basis. In such a case, the distributor shall charge the electing spot consumer in accordance with section 3.2.2 for electricity consumed after an actual read of the electing spot consumer's meter by the distributor.
- 3.2.4 Where a consumer had given written notice to a distributor under section 79.4(2) of the Act and was paying the commodity price for electricity referred to in section 3.2.2 on the day preceding the first term commencement date, that consumer shall be deemed to be an electing spot consumer and shall continue to be charged the commodity price for electricity referred to in section 3.2.2 until such time as the consumer gives notice under section ~~3.2.5 or~~ 3.2.6.
- 3.2.5 ~~[Revoked effective October 13, 2020.]Where, prior to the mandatory TOU date, an electing spot consumer that is being charged the commodity price for electricity under section 3.2.2 notifies a distributor in writing that it no longer wishes to be charged in accordance with that section, the distributor shall:~~
- ~~(a) — if in section 3.5.1:~~
- ~~i. — charge the electing spot consumer the commodity price for electricity determined in accordance with section 3.4 where the distributor is electing to implement pricing under section 3.4 on a mandatory basis under section 3.5.2(a); or~~

Standard Supply Service Code

- ~~ii. charge the electing spot consumer the commodity price for electricity determined in accordance with either section 3.3 or section 3.4, as the consumer may elect, where the distributor is electing to implement pricing under section 3.4 on a voluntary basis under section 3.5.2(b);~~
- ~~(b) in all other cases, charge the electing spot consumer:
 - ~~i. in accordance with section 3.3 for electricity consumed after an actual read of the electing spot consumer's meter by the distributor until the mandatory TOU date; and~~
 - ~~ii. in accordance with section 3.4 for electricity consumed on and after the mandatory TOU date.~~~~

3.2.6 Where, ~~on or after the mandatory TOU date,~~ an electing spot consumer that is being charged the commodity price for electricity under section 3.2.2 notifies a distributor in writing that it no longer wishes to be charged in accordance with that section, the distributor shall charge the electing spot consumer in accordance with section 3.4 for electricity consumed after an actual read of the electing spot consumer's meter by the distributor, unless the consumer elects under section 3.5 to be charged in accordance with section 3.3.

3.3 Regulated Price Plan (Tiered Pricing)~~for RPP Consumers with Conventional Meters~~

3.3.1 The commodity prices for electricity payable by an RPP consumer that has a conventional meter, or by an RPP consumer that has an eligible time-of-use meter but has elected to be charged on the basis of this section in accordance with section 3.5, shall be:

- (a) $RPCM_{T1}$ /kilowatt hour for electricity used during a billing period up to and including the tier threshold; and
- (b) $RPCM_{T2}$ /kilowatt hour for electricity used during a billing period in excess of the tier threshold.

3.3.2 For the purposes of section 3.3.1:

- (a) $RPCM_{T1}$ (regulated price for ~~conventional meters in tier 1~~) and $RPCM_{T2}$ (regulated price for ~~conventional meters in tier 2~~) shall be monetary values as set by the Board from time to time in accordance with the RPP Manual, provided that no change to the initial values of $RPCM_{T1}$ and $RPCM_{T2}$ set

Standard Supply Service Code

by the Board shall come into effect prior to the second term commencement date;

- (b) $RPCM_{T1}$ shall be no higher than $RPCM_{T2}$;
- (c) subject to section 3.3.4, the tier threshold for an RPP consumer that falls within the residential class (including by virtue of the application of section 3.3.3) shall:
 - ~~i. until October 31, 2005 be 750 kilowatt hours per month; and~~
 - ~~i.~~
 - ii. thereafter be ~~such other~~the number of kilowatt hours per month as set by the Board from time to time and which may be different for electricity use that occurs in the period November 1 to April 30 and for electricity use that occurs in the period May 1 to October 31;
- (d) and subject to section 3.3.4, the tier threshold for an RPP consumer that does not fall within the residential class shall initially be 750 kilowatt hours per month or such other number of kilowatt hours per month as the Board may from time to time determine in accordance with the RPP Manual, provided that no change in the initial tier threshold shall have effect prior to the second term commencement date.

3.3.3 For the purposes of section 3.3.2(c), an RPP consumer referred to in section 3.3.4, other than a property defined in the *Condominium Act, 1998* that is comprised predominantly of units that are used for non-residential purposes, shall be deemed to fall within the residential class.

3.3.4 The tier threshold for an RPP consumer who has an account with a distributor that:

- (a) relates to a property defined in the *Condominium Act, 1998*, a residential complex as defined in the *Residential Tenancies Act, 2006* or a property that includes one or more dwellings and that is owned or leased by a cooperative as defined in the *Co-operative Corporations Act*; and
- (b) relates to more than one unit in the property or complex,

shall be determined by multiplying the number of units to which the account relates in the property or complex by the applicable tier threshold referred to in section 3.3.2(c) or 3.3.2(d). The number of units to which an account relates in

a property or complex shall be deemed to be one unless a declaration attesting to the number of units and signed by the RPP consumer is or has been received by the distributor.

- 3.3.5 On each bill submitted to an RPP consumer that is being charged the commodity price for electricity under section 3.3.1, a distributor must show as separate items the volume of electricity billed at $RPCM_{T1}$ and the volume of electricity billed at $RPCM_{T2}$.
- 3.3.6 In relation to an RPP consumer that is being charged the commodity price for electricity under section 3.3.1, a distributor whose billing cycle is not monthly may reasonably estimate the volume of electricity used by that RPP consumer that is to be allocated to each month in the distributor's billing period.

3.4 Regulated Price Plan (Time-of-Use Pricing)~~for RPP Consumers with Eligible Time-of-Use Meters~~

- 3.4.1 Subject to section 3.5, the commodity prices for electricity payable by an RPP consumer that has an eligible time-of-use meter shall be:
- (a) $RPEM_{OFF}$ /kilowatt hour for electricity used during a billing period during an off-peak period;
 - (b) $RPEM_{MID}$ /kilowatt hour for electricity used during a billing period during a mid-peak period; and
 - (c) $RPEM_{ON}$ /per kilowatt hour for electricity used during a billing period during an on-peak period.
- 3.4.2 For the purposes of section 3.4.1:
- (a) $RPEM_{OFF}$ (regulated price for eligible time-of-use meters during off-peak periods), $RPEM_{MID}$ (regulated price for eligible time-of-use meters during mid-peak periods) and $RPEM_{ON}$ (regulated price for eligible time-of-use meters during on-peak periods) shall be monetary values as set by the Board from time to time in accordance with the RPP Manual, provided that no change to the initial values of $RPEM_{OFF}$, $RPEM_{MID}$ and $RPEM_{ON}$ set by the Board shall come into effect prior to the second term commencement date;
 - (b) $RPEM_{ON}$ shall be no lower than $RPEM_{MID}$ and $RPEM_{MID}$ shall be no lower than $RPEM_{OFF}$;

Standard Supply Service Code

- (c) each of the off-peak period, mid-peak period and on-peak period shall mean any period during a day, expressed as running from a specified hour to another specified hour, designated as such by the Board in accordance with the RPP Manual and which may be different for electricity use that occurs in the period May 1 to October 31 and for electricity use that occurs in the period November 1 to April 30; and
- (d) the hours of the day to which an off-peak, mid-peak and on-peak period apply shall be applied by a distributor on the basis of:
 - i. central standard time or eastern standard time (as applicable to the distributor's licensed service area); or
 - ii. daylight savings time, whichever is then prevailing in the Province of Ontario.

3.4.3 On each bill submitted to an RPP consumer that is being charged the commodity price for electricity under section 3.4.1, a distributor must show as separate items the volume of electricity billed at RPEM_{OFF}, the volume of electricity billed at RPEM_{MID} and the volume of electricity billed at RPEM_{ON}. A distributor must also show, on the applicable separate line, the corresponding term "off-peak", "mid-peak" or "on peak".

~~3.5 — Transition for Section 3.4~~

~~3.5.1 — Until the mandatory TOU date, the commodity price for electricity payable by an RPP consumer that has an eligible time-of-use meter shall be determined in accordance with section 3.3 unless the distributor elects to implement the electricity commodity pricing mechanism set out in section 3.4 and has given notice of this election in accordance with section 3.5.3.~~

~~3.5.2 — Where a distributor has made the election referred to in section 3.5.1, the distributor shall also determine whether the implementation of pricing under section 3.4 will be:~~

- ~~(a) — mandatory for all RPP consumers in its service area that have eligible time-of-use meters; or~~
- ~~(b) — voluntary, at the option of each RPP consumer in its service area that has an eligible time-of-use meter.~~

Standard Supply Service Code

~~Where the distributor selects the option referred to in paragraph (a) and has given the notice referred to in section 3.5.3, the distributor shall charge each RPP consumer served by that distributor that has an eligible time-of-use meter the commodity price for electricity determined in accordance with section 3.4 as of the first day of the first billing period that commences after the date on which the eligible time-of-use meter becomes useable for time-of-use billing purposes. Where the distributor selects the option referred to in paragraph (b) and has given the notice referred to in section 3.5.3, the distributor shall charge each RPP consumer served by that distributor that has an eligible time-of-use meter the commodity price for electricity determined in accordance with either section 3.3 or section 3.4, as the RPP consumer may elect.~~

~~3.5.3 A distributor that elects to implement the electricity commodity pricing mechanism set out in section 3.4 prior to the mandatory TOU date shall give advance notice of this election by:~~

- ~~(a) — posting a notice to this effect on its website and including an insert containing a notice to this effect with at least one bill submitted to RPP consumers; or~~
- ~~(b) — such other means as will provide direct notice of the election to RPP consumers within the distributor's licensed service area.~~

~~Such notice shall describe whether the distributor will implement pricing under section 3.4 on a mandatory basis as referred to in section 3.5.2(a) or on a voluntary basis as referred to in section 3.5.2(b). Where the distributor has selected implementation on a voluntary basis, such notice shall also include details of the manner in which RPP consumers with eligible time-of-use meters may exercise their election. Such notice shall be given no less than 30 days prior to the date on which the distributor will commence charging RPP consumers the commodity price for electricity under section 3.4.~~

~~3.5.4 Except as provided in sections 3.2.5, 3.5.1, 3.5.2, 3.6.1 and 3.9.1, an RPP consumer that has an eligible time-of-use meter may only be charged the commodity price for electricity under section 3.4.~~

3.5 RPP Consumer Opt-out of Time-of-Use Pricing

3.5.1 Where a distributor receives a notice from an RPP consumer that has an eligible time-of-use meter that the RPP consumer is electing to be charged tiered prices

Standard Supply Service Code

under section 3.3 instead of time-of-use prices under section 3.4, the distributor shall process and give effect to the RPP consumer's election, in accordance with the rules set out in sections 3.5.2 to 3.5.78.

3.5.2 A distributor shall make available on its website a form for the notice referred to in section 3.5.1 and provide it directly to any consumer that requests it. The form of notice shall require only such information as is reasonably necessary for the distributor to process the election, and shall comply with any form of notice as may be approved by the Board. The distributor shall accept notices of election by e-mail and mail, and may also allow the notice of election to be completed online or by telephone, provided that where the notice of election is completed by telephone the call must be recorded.

3.5.3 Where a distributor receives a notice referred to in section 3.5.1 that is incomplete or otherwise deficient, the distributor shall notify the consumer within 10 business days of receipt of the notice that the election cannot be processed and the reason it cannot be processed.

3.5.4 Where a distributor receives a notice referred to in section 3.5.1 that is not incomplete or otherwise deficient, the distributor shall begin charging the RPP consumer tiered prices under section 3.3:

(a) at the beginning of the first billing period for that RPP consumer after the notice of election is received, if

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

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

(b) ~~otherwise,~~ at the beginning of the second billing period for that RPP consumer after the notice of election is received, if it is received less than 10 business days before the beginning of the first billing period and it is not practicable for the distributor ~~is unable~~ to begin charging the consumer tiered prices at the beginning of the first billing period;

provided, however, that no election shall be applied to a billing period that begins before November 1, 2020.

Standard Supply Service Code

3.5.5 Within 10 business days of receiving a notice referred to in section 3.5.1 that is not incomplete or otherwise deficient, a distributor shall notify the RPP consumer as to when the distributor will begin charging the consumer tiered prices under section 3.3. This notification shall specify:

- (a) the calendar date on which the RPP consumer will start to be charged tiered prices, or
- (b) if it is not practicable to specify the calendar date, the notification shall refer to the applicable billing period, in which case the distributor shall also provide or refer the RPP consumer to information that explains how the RPP consumer can ascertain when that billing period will begin.

3.5.6 A notification under section 3.5.3 or 3.5.5 shall comply with any form as may be approved by the Board. The notification shall be delivered by the RPP consumer's preferred method of communication, if known, or otherwise by mail or any other means determined to be appropriate by the distributor same method of delivery used by the RPP consumer to give the notice under section 3.5.1 and shall not be included with the bill or other communication to the RPP consumer. Where the notification is given by telephone the call must be recorded.

3.5.7 For the purposes of sections 3.5.3, 3.5.4, 3.5.5 and 3.5.9 to 3.5.5, the computation of time begins on the day the notice is received by the distributor, even if it is received on a day that is not a business day or outside of the distributor's normal business hours on a business day.

3.5.8 A distributor shall advise an RPP consumer to whom section 3.5.4 applies that the RPP consumer is being charged tiered prices under section 3.3 by means of a bill message. The bill message shall appear on the first bill issued to the RPP consumer under tiered pricing, unless there is insufficient space on that bill by reason of another bill message required by an order, licence or code issued by the Board, or otherwise required by law, in which case the message shall appear on the following bill.

3.5.9 If in any calendar quarter a distributor places the bill message required by section 3.5.8 on an RPP consumer's second bill under tiered pricing instead of the first, the distributor shall submit a report to the Board no later than 30 days after the end of the quarter identifying:

Standard Supply Service Code

~~(a) the number of times in the quarter the distributor placed the bill message on the second bill, and the other mandatory bill message that prevented the bill message from being placed on the first bill; and~~

~~(b) the number of times in the quarter the distributor placed the bill message on the first bill.~~

~~3.5.108 A distributor shall inform ask a consumer that has an eligible time-of-use meter of the option whether the consumer would like to be charged either tiered prices under section 3.3 instead of for time-of-use prices under section 3.4 and provide the consumer an opportunity to elect one of those options, before:~~

~~(a) opening a new account for an RPP consumer; or~~

~~(b) beginning to provide standard supply to an RPP consumer that is switching from a contract with a retailer; or~~

~~(be) charging prices under section 3.3 or 3.4 to an electing spot consumer that notifies the distributor under section 3.2.6 that the consumer no longer wishes to be charged spot market prices under section 3.2.2.~~

~~The distributor shall ensure that the first bill issued to the consumer after the account is opened, or the first bill issued to the consumer after the last bill issued to the consumer under spot market prices under section 3.2.2, or the change is implemented reflects the price structure chosen by the consumer, or if none is chosen, reflects time-of-use prices. For greater certainty, if the consumer does not elect to be charged tiered prices, the consumer shall be charged time-of-use prices. Sections 3.5.2 to 3.5.78 do not apply in respect of an election under this section 3.5.108.~~

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

Standard Supply Service Code

3.5.110 A distributor shall allow an RPP consumer that is being charged tiered prices under section 3.3 as a result of an election under this section 3.5 to elect at any time to be charged time-of-use prices under section 3.4. Sections 3.5.1 to 3.5.97 apply, with such modifications as the context may require, to this latter election.

3.5.112 A distributor shall keep the following records for two years, and make them available to the Board upon request:

- (a) copies of all notices of election received under section 3.5.1, including recordings of calls where the notice of election was completed by telephone;
- (b) copies of notifications sent to consumers under sections 3.5.3 and 3.5.5; including recordings of calls where the notification was done by telephone; and;
- (c) a record of all other communications with individual consumers about electing to be charged prices under section 3.3 or 3.4.

3.5.123 A distributor shall provide to consumers or otherwise make available such information in respect of the option to elect to be charged tiered prices under section 3.3 rather than time-of-use prices under section 3.4 as may be approved or directed by the Board.

3.5.134 A distributor shall rely on the Smart Metering Entity for the provision of consumption amounts for billing purposes calculation of billing quantities in respect of all residential consumers or general service < 50kW consumers that are being charged tiered prices under section 3.3 as a result of an election under this section 3.5.

3.6 [Revoked effective October 13, 2020.] Moving from Conventional Meter Regulated Price Plan to Eligible Time-of-Use Meter Regulated Price Plan

~~3.6.1~~ Where an eligible time-of-use meter is installed on or after the mandatory TOU date in relation to an RPP consumer that is then being charged the commodity price for electricity under section 3.3.1, that consumer shall be charged the commodity price for electricity under section 3.4 for electricity used as of:

- ~~(a) the date on which the eligible time-of-use meter becomes usable for billing purposes;~~
 - ~~(b) the first day of the first billing period that commences after the date on which the eligible time-of-use meter becomes usable for billing purposes;~~
- ~~or~~

~~(c) — any day that is between the date referred to in paragraph (a) and the day referred to in paragraph (b).~~

3.7 Final RPP Variance Settlement Amounts for RPP Consumers Leaving Regulated Price Plan

3.7.1 Where a distributor:

- (a) is advised that an RPP consumer that is being charged a commodity price for electricity in accordance with section 3.3 or 3.4 will be cancelling its account with the distributor and will be moving out of the province of Ontario;
- (b) receives a notice referred to in section 2.1.2 from or in relation to an RPP consumer that was, on the date of the notice, being charged a commodity price for electricity in accordance with section 3.3 or 3.4;
- (c) receives a request referred to in section 3.2.3 from or in relation to an electing spot consumer that was, on the date of the request, being charged a commodity price for electricity in accordance with section 3.3 or 3.4, or
- (d) determines that an RPP consumer ceases to be eligible to pay the commodity price for electricity determined by the Board under section 79.16 of the Act,

the distributor shall charge or credit the RPP consumer or electing spot consumer a final RPP variance settlement amount calculated on the basis of historical consumption in accordance with the methodology established by the Board in the RPP Manual.

3.7.2 Where a distributor is required by section 3.7.1 to charge or credit a consumer with a final RPP variance settlement amount, the distributor must show the monetary value of the final RPP variance settlement amount as a separate item on the consumer's bill. The separate item shall be labelled as "RPP settlement" and shall be shown directly under the items referred to in section 3.3.5 or 3.4.3, as applicable.

3.7.3 Section 3.7.1 and 3.7.2 shall not come into effect until the date that is three months after the first term commencement date.

- 3.7.4 Where a distributor has charged or credited an RPP consumer with a final RPP variance settlement amount under section 3.7.1(b), the distributor shall pay or credit (where the final RPP variance settlement amount was a charge) or charge (where the final RPP variance settlement amount was a credit) the same amount to the consumer if:
- (a) the distributor is notified by the consumer or by a retailer on behalf of the consumer that:
 - i. the consumer was a customer of the retailer identified in the notice prior to the date on which the consumer's account with the distributor was opened; and
 - ii. the consumer remains a customer of that retailer;
 - (b) the notice referred to in paragraph (a) is received by the distributor within three months of the date on which the consumer's account with the distributor was opened; and
 - (c) where the notice was provided by the consumer, the retailer identified by the consumer has confirmed the information contained in the notice referred to in paragraph (a).

3.8 Notification to RPP Consumers

- 3.8.1 ~~Subject to section 3.8.4, a~~A distributor shall post on its website notice of any change made by the Board in:
- (a) the value of any of $RPCM_{T1}$, $RPCM_{T2}$, $RPEM_{OFF}$, $RPEM_{MID}$, or $RPEM_{ON}$ referred to in section 3.3 or 3.4;
 - (b) a tier threshold referred to in section 3.3.2; or
 - (c) the hours of the day comprising any of the periods referred to in section 3.4.2(c).

Such notice shall be posted not less than 15 days prior to the date on which the change will take effect.

- 3.8.2 ~~Subject to section 3.8.4, a~~A distributor shall:

Standard Supply Service Code

- (a) as soon as practicable after the first term commencement date if it has not already done so, notify all RPP consumers within its licensed service area of the initial values of $RPCM_{T1}$, $RPCM_{T2}$, $RPEM_{OFF}$, $RPEM_{MID}$, or $RPEM_{ON}$ referred to in section 3.3 or 3.4 by means of bill messages or bill inserts; and
 - (b) as soon as practicable upon receiving notice from the Board of a change referred to in section 3.8.1, notify all RPP consumers within its licensed service area of the change by means of bill messages or bill inserts.
- 3.8.3 The notices referred to in sections 3.8.1 and 3.8.2 shall be prepared in accordance with the directions, if any, issued by the Board.
- 3.8.4 ~~[Revoked effective October 13, 2020.]Until the mandatory TOU date, a distributor that has not made the election referred to in section 3.5.1 shall not be required to comply with section 3.8.1 or 3.8.2 in relation to:~~
- ~~(a) the initial values of $RPEM_{OFF}$, $RPEM_{MID}$, or $RPEM_{ON}$ referred to in section 3.4; or~~
 - ~~(b) the hours of the day comprising any of the periods referred to in section 3.4.2(c).~~
- 3.9 Pilot Projects**
- 3.9.1 Where a distributor implements a Board-approved pilot project relating to eligible time-of-use meters, the distributor may charge an RPP consumer that has an eligible time-of-use meter and that is participating in the pilot project the commodity price for electricity referred to in either section 3.3 or 3.4 or any other commodity price that the Board approves as part of the pilot project.