

Ontario Energy Board
P.O. Box 2319
27th Floor
2300 Yonge Street
Toronto ON M4P 1E4
Telephone: 416- 481-1967
Facsimile: 416- 440-7656
Toll free: 1-888-632-6273

Commission de l'Énergie de l'Ontario
C.P. 2319
27e étage
2300, rue Yonge
Toronto ON M4P 1E4
Téléphone: 416- 481-1967
Télécopieur: 416- 440-7656
Numéro sans frais: 1-888-632-6273



EB-2005-0545

NOTICE OF AMENDMENT TO A RULE

AMENDMENTS TO THE GAS DISTRIBUTION ACCESS RULE

BOARD FILE NO: EB-2005-0545

**To: All Natural Gas Distributors
All Licensed Natural Gas Marketers
All Participants in Proceeding EB-2005-0545**

The Ontario Energy Board (the “Board”) will amend the Gas Distribution Access Rule (the “GDAR”) as indicated below, pursuant to sections 44 and 45 of the *Ontario Energy Board Act, 1998*.

Background

On December 8, 2005, the Board issued a Notice of Proposal to Amend a Rule under which it proposed amendments to the GDAR. The proposed amendments would revise the implementation dates for certain activities as described below, in keeping with the Board’s September 13, 2005 Decision and its November 15, 2005 Decision and Order in relation to the GDAR (both under proceeding RP-2000-0001):

- section 3.2, which deals with the obligation of a gas distributor to enter into a Board-approved form of Service Agreement with gas vendors, was scheduled to come into force on December 1, 2003 and was proposed under the Notice of Proposal to come into force on January 1, 2007;
- chapter 4, which deals with service transaction requests, was scheduled to come into force on March 1, 2004, and was proposed under the Notice of Proposal to come into force on January 1, 2007;
- section 6.1.2.1, which deals with the obligation of a gas distributor to accommodate gas distributor-consolidated billing, was proposed under the

Notice of Proposal to be replaced with a new section that defers that obligation to January 1, 2008 insofar as it relates to a bill-ready form of gas distributor-consolidated billing; and

- section 6.1.2.3, which deals with the obligation of a gas distributor to accommodate gas vendor-consolidated billing, was scheduled to come into force on March 1, 2004 and was proposed under the Notice to come into force on January 1, 2007.

Four submissions were received in response to the Board's Notice of Proposal. One submission expressed no concerns with the proposed amendments. Two others proposed deferring the implementation dates beyond those set out in the proposed amendments. In one case, the suggestion was that the January 1, 2007 implementation dates be replaced with implementation dates that are one year from the time all of the technical standards and other detailed requirements are known. In the other, it was suggested that no firm implementation dates be set but rather that amendments to the GDAR empower the Board to set the effective dates once the time required for the Natural Gas Electricity Interface Review ("NGEIR") and the further development of the GDAR Electronic Business Transactions ("EBT") standards work is better known. Otherwise, significant costs may need to be incurred to reprogram systems and redefine protocols in light of the outcome of NGEIR. The fourth submission opposed the proposed amendment to section 6.1.2.3 regarding implementation of the obligation to accommodate gas vendor-consolidated billing on the grounds that the proposed amendment has no basis in the Board's earlier decisions and orders on the matter.

Amendments to the GDAR

The Board has considered the submissions received on this matter and has determined that no changes need to be made relative to the GDAR amendments as originally proposed. The amendments are set out in Appendix A to this Notice.

With respect to the January 1, 2007 implementation date for accommodation of gas vendor-consolidated billing, the Board wishes to clarify that this obligation does not require that gas vendor-consolidated billing be in place as of January 1, 2007. Rather, January 1, 2007 is the date as of which a gas distributor is required to commence

negotiating the terms and conditions applicable to that billing option if requested to do so by a gas marketer.

The Board acknowledges that implementation of the GDAR is proceeding in parallel with the NGEIR initiative. While the impact of NGEIR on the GDAR is not known at this time, the Board anticipates that the impact of NGEIR on the GDAR EBT standards and Service Agreement - and hence on the associated GDAR implementation costs - will be minimal given that the NGEIR issues deal with upstream arrangements.

Coming Into Force

As indicated in the Board's December 8, 2005 Notice of Proposal, the amendments to the GDAR set out in Appendix A will come into force upon publication in the *Ontario Gazette*.

This Notice, including the amendments to the GDAR, all other Board documents referred to in this Notice (including the GDAR) and all submissions received in response to the Board's December 8, 2005 Notice of Proposal will be available for inspection on the Board's website at www.oeb.gov.on.ca and at the offices of the Board's offices during normal business hours.

If you have any questions regarding the GDAR amendments, please contact Russ Houldin, Senior Advisor, Compliance Office, at 416-440-8112, or toll-free at 1-888-632-6273.

DATED at Toronto, March 9, 2006

ONTARIO ENERGY BOARD

Original signed by

Peter H. O'Dell
Assistant Board Secretary

Appendix A

Amendments to the Gas Distribution Access Rule

1. **Section 1.4.2 of the Gas Distribution Access Rule is repealed and replaced with the following:**

Section 3.2 of this Rule shall come into force on January 1, 2007.

2. **Section 1.4.3 of the Gas Distribution Access Rule is repealed and replaced with the following:**

Chapter 4 of this Rule shall come into force on January 1, 2007, provided that nothing in Chapter 4 shall require a gas distributor to accommodate gas distributor-consolidated billing in a bill-ready form (as defined in the Service Agreement) until January 1, 2008.

3. **Section 1.4.4 of the Gas Distribution Access Rule is repealed and replaced with the following:**

Section 6.1.2.3 of this Rule shall come into force on January 1, 2007.

4. **Section 6.1.2.1 of the Gas Distribution Access Rule is repealed and replaced with the following:**

gas distributor-consolidated billing, provided that a gas distributor shall not be required to accommodate gas distributor-consolidated billing in a bill-ready form (as defined in the Service Agreement) until January 1, 2008;