

Assurance of Voluntary Compliance

**Pursuant to section 112.7 of the
*Ontario Energy Board Act, 1998***

Entegrus Powerlines Inc.

EB-2023-0257

August 31, 2023

I. STATEMENT OF FACTS

On April 14, 2022 the Ontario Energy Board (OEB) sent a letter to all licensed electricity distributors in the province advising them that the OEB had recently accepted an Assurance of Voluntary Compliance (AVC) from a distributor that had overcharged customers as a result of incorrectly prorating the fixed monthly charges approved by the OEB under section 78 of the *Ontario Energy Board Act, 1998* (OEB Act). The letter explained:

The AVC arose after a distributor identified that it was overcharging customers due to applying a daily charge that had been incorrectly calculated. While the distributor used the approved fixed monthly charges from its OEB-approved Rate Order, its billing system translated these monthly charges into a daily charge for application to customers' bills. In the translation from monthly to daily charge, the daily charge was calculated on the basis of there being 30 days in every month (or 360 days in a year) but billed customers 365 days a year, leading to an overcharge of each customer.

The letter asked all distributors to review their billing systems and to advise the OEB if they discovered the same proration issue.

On July 14, 2023, Entegrus Powerlines Inc. ("**Entegrus**"), a distributor serving approximately 62,500 customers for 17 communities in Southwestern Ontario, wrote to the OEB advising that it had seen the AVCs provided by Kingston Hydro Corporation, Synergy North Corporation, Sioux Lookout Hydro Inc., Fort Frances Power Corporation, and Atikokan Hydro Inc. which related to the incorrect proration of fixed monthly charges. Entegrus reported that after reviewing those AVCs, it discovered that its billing system was configured in a similar way. Only a portion of bills were affected, because proration was used in only two circumstances: (a) the first and last bill of a partial month (move-in and move-out); or (b) if the customer is billed off cycle (not based on their bill day) when accounts are behind on billing. In those circumstances, the billing system prorated the monthly service charge rate to a daily charge using a set value of 30 days to calculate the daily rate, regardless of the month. Customers in Entegrus's Residential, GS<50, and GS>50 rate classes were affected, but only in the two circumstances described above.

Entegrus determined that the issue had persisted for several years. Effective August 24, 2023, Entegrus appropriately implemented changes to its billing system to ensure customers would not be overcharged due to the incorrect proration of fixed monthly charges.

Entegrus has agreed to provide this AVC which is modeled on the ones referenced above. Entegrus recognizes that several other distributors that have provided an AVC to the OEB in respect of the incorrect proration of fixed charges have agreed to issue a credit to affected customers equivalent to four years' worth of overcharges. As the impacted bills represented only a portion of all bills issued, the total amount that Entegrus over-collected over the last four years was relatively small: \$16,658.58 (or an average of \$4,164.65 per year). Considering that a four-year customer credit would be small (around 35 cents per residential customer), and that many customers who received impacted bills are no longer customers of Entegrus and therefore difficult to track down, Entegrus has proposed instead to make a contribution to the Low-income Energy Assistance Program (LEAP), to help customers in need.

II. ASSURANCE

Entegrus acknowledges that, as a result of its billing system configuration, it was over-billing some customers more than the OEB-approved fixed charges. To remedy the contravention of the rate orders, Entegrus assures the OEB that it will take the following measures:

1. Entegrus will make a payment of \$16,658.58 to the LEAP agency serving customers in the Entegrus service territory, which is equivalent to four years of overcharges (July 1, 2019 to June 30, 2023). The LEAP payment will be paid as a lump sum within 90 days of the acceptance of this AVC by the OEB.
2. At the time of the contribution to LEAP, Entegrus will notify customers of the contribution and this AVC, in a form and manner to be approved by the OEB.

III. ADMINISTRATIVE PENALTY

Entegrus agrees to pay an administrative penalty to the OEB in the amount of \$10,000. Payment will be made electronically with notice sent to the Registrar, within four weeks of the acceptance of this AVC by the OEB.

IV. CONSUMER RIGHTS

Nothing in this AVC affects any rights a consumer may have under any applicable law.

V. FAILURE TO COMPLY

Entegrus acknowledges that this AVC has the same force and effect as an order of the OEB pursuant to section 112.7(2) of the OEB Act.

VI. EXECUTION OF ASSURANCE

I have the authority to bind Entegrus to the terms set out in this AVC.

Name: Jim Hogan

Title: PRESIDENT & CEO

Signature: 

Dated this 31 day of AUGUST, 2023