

Assurance of Voluntary Compliance

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

Wasaga Distribution Inc.

EB-2022-0292

December 13th, 2022

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 April 18, 2022, Wasaga Distribution Inc. ("WDI"), a distributor serving approximately 15,000 customers, responded to the OEB's letter and self-reported that it had been incorrectly prorating its fixed monthly charges in the same manner. WDI determined that the issue persisted for several years and applied to all rate classes and implemented appropriate system changes to correct the billing calculations.

WDI instituted these changes effective for the May 1, 2022 consumption period to its customer billing system to ensure customers would not be overcharged due to the incorrect proration of fixed monthly charges.

II. ASSURANCE

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

1. WDI will credit current customers a total of \$206,792.88 which is equivalent to four years of overcharges over the period May 1, 2018, to April 30, 2022, calculated in the manner set out in the Appendix to this AVC. The credit includes both (a) the amount that would be required to be reimbursed to customers under section 7.7.7 of the Retail Settlement Code (that is, two years' worth of overcharges plus interest in accordance with section 7.7.9 of the Retail Settlement Code); and (b) without waiving or in any way limiting the rights of WDI pursuant to the Retail Settlement Code, including but not limited to section 7.7.7, or WDI's Conditions of Service, or otherwise, a voluntary additional amount.

The credit will be paid through a lump sum bill credit which will appear on a customer's bill within 90 days of the acceptance of this AVC by the OEB. Every customer in a rate class will receive the same credit amount, as shown in the Appendix, regardless of whether the customer was a customer for the entire four-year credit period. At the time of the credit,

WDI will provide an explanation to customers in a form to be approved by the OEB. The total amount of all credits to be provided is \$206,792.88, will be split across WDI's current customer base at the time of credit.

III. ADMINISTRATIVE PENALTY

WDI agrees to pay an administrative penalty to the OEB in the amount of \$2,000. Payment will be made 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

WDI 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 WDI to the terms set out in this AVC.

Name: Brandon Weiss

Title: President & CEO

Signature:  _____

Dated this 13 day of December, 2022

APPENDIX

| Customer Service Charges | | | November 30th, 2022 | |
|--------------------------|--------------|-------------------------------------|--------------------------------------|------------------------------|
| Customer Class | Credit Basis | Credit Per Customer Class [A] | Customer Count /Connection [B] | Calculated Credit [A]/[B] |
| Residential | Account | 193,780.62 | 13,957 | 13.88 |
| GS<50 | Account | 8,380.38 | 849 | 9.87 |
| GS>50 | Account | 922.29 | 36 | 25.62 |
| Street Lighting | Account | 3,344.79 | 1 | 3,344.79 |
| Unmetered Load | Connection | 102.92 | 45 | 2.29 |
| MicroFit | Account | 261.87 | 42 | 6.24 |
| | | <u>206,792.88</u> | | |