

The Retail Settlement Code is amended by adding the following new section 1.9:

1.9 Special Provisions for RPP Consumers and New SSS Code

1.9.1 The following definitions apply for the purposes of this section 1.9:

- (a) “competitive retailer” means a person who retails electricity to consumers, but does not include a person who retails electricity to consumers who take SSS other than transitional consumers;
- (b) “RPP consumer” means a consumer that pays the regulated price;
- (c) “regulated price” means the commodity price for electricity referred to in section 3.3 or 3.4 of the SSS Code;
- (d) “spot price pass-through” means the commodity price for electricity referred to in section 3.2 of the SSS Code;
- (e) “SSS Code” means the code issued by the Board and in effect at the relevant time which, among other things, establishes the manner in which a distributor must meet its obligation to sell electricity under section 29 of the *Electricity Act*; and
- (f) “transitional consumer” means a consumer:
 - i. who entered into a contract with a retailer on or before November 11, 2002 with respect to which a service transaction request is or has been implemented to enable the consumer to purchase electricity from a competitive retailer;
 - ii. whose contract referred to in paragraph (i) is in effect but has not been renewed since December 9, 2002;
 - iii. who is, in accordance with regulations made under the *Act*, eligible to pay the regulated price; and
 - iv. who has not elected the spot price pass-through.

1.9.2 Notwithstanding any other provision of this Code, the commodity price per kilowatt hour for electricity payable by an RPP consumer shall be determined by a distributor, or in the case of a transitional consumer by a competitive retailer, in accordance with the SSS Code. All provisions of this Retail Settlement Code that apply to an RPP consumer shall be interpreted accordingly.

1.9.3 The following sections of the SSS Code apply to a competitive retailer that is billing a transitional consumer using retailer-consolidated billing:

- (a) sections 1.7.2 to 1.7.5;
- (b) section 2.6.1;
- (c) section 3.3.6;
- (d) section 3.4.3;
- (e) section 3.7.

A competitive retailer shall comply with the obligations contained in those sections (if they are expressed in mandatory terms) to the same extent as if they were contained in this Code and referred to a competitive retailer rather than to a distributor.

1.9.4 Nothing in this Code shall be interpreted as allowing a distributor to provide standard supply service (as defined in the SSS Code) through a third party unless the distributor is authorized to do so by or under the SSS Code.

1.9.5 This section shall come into force on the first term commencement date (as defined in the SSS Code).