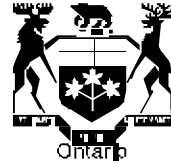


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Compliance Office

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Compliance Bulletin 200512

To: All Licensed Electricity Retailers and All Licensed Gas Marketers

Re: Provision of Business Cards and Documents to Low-Volume Consumers

This Bulletin is intended to provide guidance to licensed electricity retailers and licensed gas marketers in relation to their obligation to ensure that their salespersons provide low-volume consumers with business cards and documents.

It has been brought to the attention of the Compliance Office that there may be inconsistent practices among retailers and marketers with regard to the provision of business cards and other documents when negotiating or concluding a contract with a low-volume consumer.

Under section 2(1) of the *Consumer Protection Regulation*, O. Reg. 200/02 (the "Regulation"), made under the *Ontario Energy Board Act, 1998*, the following constitutes an unfair practice by a retailer or marketer:

5. If a person acting on behalf of the retailer of electricity or gas marketer negotiates or concludes a contract in person with another person at a direct sales location,
 - i. failing, at the time of negotiating or concluding the contract, to give the other person a written copy of any document that is presented to the other person and is signed by the other person,
 - ii. failing, at the time of negotiating or concluding the contract, to give the other person a written copy of any document that is presented to the other person but is not signed by the other person, if the other person requests a copy, or

- iii. on or after August 1, 2002, failing, at the time of negotiating or concluding the contract, to give the other person a business card that,
 - A. identifies the person acting on behalf of the retailer of electricity or gas marketer,
 - B. identifies the retailer of electricity or gas marketer,
 - C. includes the number of the electricity retailer's licence or gas marketer's licence issued under the Act to the retailer of electricity or gas marketer, and
 - D. includes the telephone number of the retailer of electricity or gas marketer.

It is my view that, for purposes of the above section of the Regulation, negotiating a contract includes any communication between the salesperson and the consumer made with a view to soliciting the consumer as a customer of the retailer or marketer. This would include any discussion about the electricity or gas market (as the case may be), prices for these commodities and terms and conditions of the retailer's or marketer's offer or contract.

I therefore expect that, after identifying himself or herself and the purpose of the visit, a salesperson will immediately provide the consumer with a business card that contains the information required by the Regulation. This means that, among other things, a business card must be provided before requesting that the consumer locate any utility bills and before any information about the consumer (other than ascertaining the consumer's name for introduction purposes) is requested by the salesperson.

Similarly, I expect the following in relation to any document that is presented to the consumer after the salesperson has identified himself or herself and the purpose of the visit:

- where the document is signed by the consumer, a copy will be provided to the consumer whether or not the consumer requests a copy; and
- in all other cases, a copy of the document will be provided to the consumer upon request.

This obligation applies whether the document is specific to the retailer or marketer (such as promotional material and contract terms and conditions) or more general in nature (such as newspaper articles and documents relating to the electricity or gas market, as the case may be).

I remind marketers and retailers that they are responsible for ensuring that their salespersons are compliant with the above requirements. Please direct any questions you may have on this matter to the Market Participant hotline at 416-440-7604 or by e-mail at market.operations@oeb.gov.on.ca.



Brian Hewson
Chief Compliance Officer
Compliance Office

No statutory power of decision has been delegated to the Chief Compliance Officer, and the views expressed in this Bulletin are not binding on the Board. The Chief Compliance Officer may seek enforcement action by the Board under Part VII.1 of the *Ontario Energy Board Act, 1998* in relation to non-compliance.