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BULLETIN

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**TO: All Licensed Natural Gas Marketers
All Licensed Electricity Retailers
All Other Interested Parties**

RE: Filing of Annual Self-Certification Statement on Compliance

This Bulletin is issued to remind electricity retailers and natural gas marketers of the obligation to file a Self-Certification Statement on compliance, annually by April 30, in relation to retailing or marketing to low-volume consumers.

1. Background

Under section 4 of Ontario Regulation 90/99 (Licence Requirements – Electricity Retailers and Gas Marketers) (the “OEB Regulation”) made under the *Ontario Energy Board Act, 1998* (the “OEB Act”), a licence issued to a gas marketer or electricity retailer (together, “suppliers”) contains the condition that the licensee comply with any code, rule or order issued or made by the Board requiring the filing of certificates of compliance certifying the licensee’s compliance with the *Energy Consumer Protection Act, 2010* (the “ECPA”), the regulations made under the ECPA and any code, order or rule issued or made by the Board relating to the retailing of electricity or the marketing of gas to low-volume consumers.

Section 6.4 of the Electricity Retailer Code of Conduct and the Code of Conduct for Gas Marketers (together, the “Codes”) requires that, commencing in 2012, suppliers file with the Board by April 30 and annually thereafter a self-certification in the form and manner required by the Board.

2. Form of Self-Certification Statement

The form of Self-Certification Statement on compliance to be used by suppliers for the purposes of section 4 of the OEB Regulation and section 6.4 of the Codes is substantively the same as the form of Certificate of Compliance that is set out in Appendix A to the Codes and used for the purposes of section 3 of the OEB Regulation and section 6.1 of the Codes. The list of sales channels in the table on “Confirmation of Retailing/Marketing Activities” has been altered to align with the legislative framework governing the activities of suppliers.

The form of Self-Certification Statement on compliance may be downloaded from the Board's website at

www.ontarioenergyboard.ca/OEB/Industry/Rules+and+Requirements/Suppliers+-+Certificates+of+Compliance/Suppliers+-+Self-Certification+Statements) and must be completed in accordance with the instructions that are also available on the Board's website at www.ontarioenergyboard.ca/OEB/Industry/Rules+and+Requirements/Suppliers+-+Certificates+of+Compliance/Suppliers+-+Self-Certification+Statements).

3. Consequence of Failing to File

Under section 14 of Ontario Regulation 389/10 (General) made under the ECPA (the “ECPA Regulation”), any contract that is entered into on or after January 1, 2011 is deemed to be void if the supplier was not at the time in compliance with the condition of its licence set out in section 3 or section 4 of the OEB Regulation, as described above. Under section 21 of the ECPA Regulation, a consumer may cancel a contract without cost or penalty if the contract was amended, renewed or extended on or after January 1, 2011 and the supplier was not at the time in compliance with those conditions of licence. This right to cancel applies to contracts entered into on or after January 1, 2011.

Compliance with the ECPA, the OEB Regulation, the ECPA Regulation and the Codes, among others, can be enforced by the Board under Part VII.1 or Part VII.2 of the OEB Act.

Please note that the requirement for annual self-certification is different from the initial requirement to certify compliance under section 3 of the OEB Regulation and section 6.1 of the Codes. Any supplier that has not yet filed the Certificate of Compliance

contemplated in section 3 of the OEB Regulation and section 6.1 of the Codes and received the Board's acknowledgement of it must do so separate and apart from the obligation to file the annual self-certification that is the subject-matter of this Bulletin.

The views expressed in this Bulletin are those of Board staff and are not binding on the Board.

Any enquiries regarding this Bulletin should be directed to the Board's Market Operations hotline, at 416-440-7604 or market.operations@ontarioenergyboard.ca.

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