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INFORMATION BULLETIN

DATE ISSUED: December 16, 2010

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

RE: Certificates of Compliance

This Bulletin is issued to remind licensed natural gas marketers and licensed electricity retailers of the obligation to file a Certificate of Compliance and to receive from the Board written acknowledgement of it as a condition of entering into, renewing, extending or amending a contract with a low-volume consumer on and after January 1, 2011.

1. Background

Ontario Regulation 90/99 (Licence Requirements – Electricity Retailers and Gas Marketers) has been amended effective January 1, 2011 in furtherance of the implementation of the *Energy Consumer Protection Act, 2010* (the “ECPA”).

Section 3 of Ontario Regulation 90/99 states that a licence issued to a gas marketer or electricity retailer (“supplier”) contains the condition that the licensee not enter into, renew, amend or extend the term of a contract on or after January 1, 2011 until all of the following are satisfied:

- (a) the licensee has filed with the Board a certificate of compliance certifying compliance with the ECPA, the regulations made under the ECPA and any code, rule or order issued or made by the Board relating to transactions with low-volume consumers;

- (b) the certificate of compliance has been completed in accordance with and contains the information required in a code, rule or order issued or made by the Board;
- (c) the certificate of compliance has been signed by such persons as required by a code, rule or order issued or made by the Board; and
- (d) the licensee has received in writing from the Board an acknowledgement that the Board has received the certificate of compliance and that the certificate complies with the requirements of section 3 of Ontario Regulation 90/99.

On November 17, 2010, the Board issued, among other things, its final restated Electricity Retailer Code of Conduct and its final restated Code of Conduct for Gas Marketers (together, the "Supplier Codes"), both of which will come into force on January 1, 2011. Section 6.1 of each of the restated Supplier Codes reiterates the requirement to file a Certificate of Compliance, and section 6.3 of each of the restated Supplier Codes identifies who may sign a Certificate of Compliance on behalf of a supplier. Appendix A to each of the restated Supplier Codes sets out the form of the Certificate of Compliance.

On December 15, 2010, the form of Certificate of Compliance to be used by suppliers was posted to the Board's website. This form is substantively the same as that found in Appendix A to each of the restated Supplier Codes, although a small number of errors have been corrected and the formatting has been updated. The form may be downloaded using the following link:

<http://www.oeb.gov.on.ca/OEB/Industry/Rules+and+Requirements/Suppliers++Certificates+of+Compliance>.

2. Filing of Certificate of Compliance

This Bulletin is being issued to remind suppliers that, as of January 1, 2011, a supplier may not conduct retailing or marketing activities in respect of low-volume consumers until such time as the supplier has filed with the Board the Certificate of Compliance required by Ontario Regulation 90/99 and section 6.1 of the Supplier Codes, and has received from the Board written acknowledgement of it.

As indicated in the Board's November 29, 2010 letter, any supplier that requires its letter of acknowledgement on January 1, 2011 must file its Certificate of Compliance with the Board on or before December 29, 2010. Please note that acknowledgements of Certificates of Compliance will not be issued until the Board is in receipt of an original signed copy of the Certificate of Compliance.

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@oeb.gov.on.ca.

Yours truly,

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Ontario Energy Board