



EB-2010-0024

IN THE MATTER OF the *Ontario Energy Board Act, 1998*, S.O. 1998, c.15 (Sched. B);

AND IN THE MATTER OF an Application by Natural Resource Gas Limited for an order or orders exempting Natural Resource Gas Limited from certain sections of the Gas Distribution Access Rule.

BEFORE: Ken Quesnelle
Presiding Member

Cathy Spoel
Member

DECISION AND ORDER

Background

Natural Resource Gas Limited (“NRG”) filed an application on January 28, 2010 with the Ontario Energy Board (the “Board”) for an order or orders exempting NRG from Section 7.3.1, including subsections 7.3.1.1 and 7.3.1.2, of the Gas Distribution Access Rule (“GDAR”) and exempting NRG from the obligation to file Service Quality Requirement data for the year 2009 as required by the GDAR (the “Application”).

The Board issued a Notice of Application dated February 10, 2010. The Board received requests for intervenor status from the Town of Aylmer and the Integrated Grain Processors Co-operative Inc. (“IGPC”). The Board granted intervenor status to both of these parties. The Town of Aylmer also requested eligibility to claim an award of costs, which the Board granted.

The Board received submissions from the Town of Aylmer, IGPC, and a reply submission from NRG.

Telephone Answering Performance

NRG requested an exemption from Section 7.3.1, including subsections 7.3.1.1 and 7.3.1.2, of the GDAR. Section 7.3.1 of the GDAR states the following:

7.3.1 Telephone Answering Performance

Telephone Answering Performance is a service quality indicator that is based on a centralized facility established or outsourced to handle calls and other inquiries from customers. The measurement of this requirement will include the following categories of calls: billing; collections; emergencies; and meter appointments.

Data for the call answer performance measures shall be obtained by monitoring calls on the distributors' telephone systems including the Interactive Voice Response (IVR) system.

7.3.1.1 Call Answering Service Level

The percentage of all calls to the general inquiry phone number, including IVR calls, that are answered within 30 seconds. This measure will track the percentage of attempted calls that are satisfied within the IVR or successfully reach a live operator within 30 seconds of reaching the distributor's general inquiry number. The operator must be ready to accept calls and to provide information. This measurement will be calculated as follows:

$$\frac{\text{Number of calls reaching a distributor's general inquiry number answered within 30 seconds}}{\text{Number of calls received by a distributor's general inquiry number}}$$

The yearly performance standard for the Call Answering Service Level shall be 75% with a minimum monthly standard of 40%.

7.3.1.2 Abandon Rate

The abandon rate means the percentage of callers who hang up while waiting for a live operator. This measure will track the percentage of callers that hang up before they reach a live operator. This measurement will be calculated as follows:

$$\frac{\text{Number of calls abandoned while waiting for a live agent}}{\text{Total number of calls requesting to speak to a live agent}}$$

The performance for this standard shall not exceed 10% on a yearly basis.

NRG stated that Section 7.3.1 of the GDAR is based on the utility telephone service being an automated answering system. NRG noted that it is a small utility that does not have an automated answering system as all calls are currently answered by two live operators. NRG stated that the technology and system implementation costs associated with automating the answering system would exceed the benefits for NRG. NRG noted that it will monitor its customer service level in this area.

The IGPC submitted that NRG has not provided any evidence regarding the cost of complying with Section 7.3.1 of the GDAR and noted that NRG simply made a statement that meeting this requirement is cost prohibitive. IGPC requested that NRG provide additional information in its submissions that clearly demonstrates to the Board that compliance with Section 7.3.1 of the GDAR is not cost effective for NRG.

NRG replied that it is not necessary for it to file additional information regarding the cost of implementing a telephone answering system that would provide the data necessary for NRG to be in compliance with Section 7.3.1 of the GDAR. NRG takes the position that spending any money on a telephone answering system is not practical for a utility of its size. NRG notes that it only receives about 100 calls each day (only a portion of which are from customers or potential customers) and a live operator answers these calls. NRG believes that the information provided by an automated telephone answering system would provide no value to NRG, its customers or the Board.

IGPC also submitted that NRG should provide further information regarding its plan to monitor its telephone answering service performance and that the Board should require NRG to provide information demonstrating that it has in fact been monitoring its service performance in this area.

Finally, IGPC submitted that NRG's exemption from Section 7.3.1 of the GDAR be limited to a period of 2 years.

NRG replied that it is seeking a permanent exemption from Section 7.3.1 of the GDAR as there will not likely be a situation in the future where complying with this section of the GDAR will be practical for NRG.

Board Findings

The Board does not accept NRG's view that Section 7.3.1 is based on the utility telephone service being an automated answering system. The Board is of the view that it may be possible to implement a system to record the information relevant to the requirements of subsection 7.3.1.1 of the GDAR without an automated answering system, such as that described by NRG, being deployed. The measure is intended to track the percentage of attempted calls that are satisfied within the IVR or successfully reach a live operator within 30 seconds of reaching the distributor's general inquiry number. A system that tracks the number of incoming calls and the time in which they are answered would satisfy the tracking requirements of this measure.

With respect to subsection 7.3.1.2 of the GDAR, the Board is of the view that a system that tracks the number of incoming calls and the time in which they are answered could also have the capability to record the number of calls abandoned prior to being answered. The measure is intended to track the percentage of callers that hang up before they reach a live operator. It is important to the Board that this be measured irrespective of whether or not the customer has been channeled through an automated answering machine.

NRG has not filed any costing information for a system capable of recording the relevant information. NRG makes the argument that implementing a system that is capable of recording the information necessary to be in compliance with Section 7.3.1 of the GDAR is not cost effective for NRG due to the size of the utility and the small number of calls received each day. The Board accepts that NRG's arguments in this regard may have been predicated on its belief that an automated answering service such as it described was required. The Board is not convinced that that is the case. Therefore, the Board will not grant NRG an exemption from Section 7.3.1 of the GDAR at this time.

2009 GDAR Exemptions

NRG requested an exemption from the obligation to file Service Quality Requirement data for the year 2009, as required under the GDAR, with the exception of that data required under Section 7.3.6.1. NRG stated that in order for it to perform the necessary data collection required for compliance with the GDAR, it was necessary to make a number of modifications to its system. NRG noted that it has made extensive efforts to implement the required changes for compliance with the GDAR; however, some of

these changes were only implemented in late 2009. As a result, NRG has been unable to collect Service Quality Requirement data for 2009¹. NRG noted that it will collect the relevant information for compliance with the GDAR for the year 2010.

The Town of Aylmer and the IGPC did not take a position on this issue.

Board Findings

The Board accepts that due to system limitations in 2009, NRG is unable to file the Service Quality data for that year as required under the GDAR. The Board understands that NRG has been working diligently to upgrade its system in order to comply with the requirements of the GDAR in 2010. Therefore, the Board will grant NRG an exemption from filings its Service Quality data for the year 2009 with the exception of that data required under Section 7.3.6.1 of the GDAR.

The Board expects that NRG will report all the Service Quality data as required under the GDAR beginning with its filing pertaining to 2010.

Cost Awards

The Board may grant cost awards to eligible stakeholders pursuant to its power under section 30 of the *Ontario Energy Board Act, 1998*. When determining the amount of the cost awards, the Board will apply the principles set out in section 5 of the Board's Practice Direction on Cost Awards. The maximum hourly rates set out in the Board's Cost Awards Tariff will also be applied.

Cost claims, and any objections to the cost claims, for the proceeding shall be made in the timeframe set out below.

THEREFORE THE BOARD ORDERS THAT:

1. NRG is granted an exemption from filings its Service Quality data, as required under the GDAR, for the year 2009 with the exception of that data required under Section 7.3.6.1 of the GDAR.

¹ With the exception of that data required under Section 7.3.6.1 of the GDAR.

2. The Town of Aylmer shall file with the Board and forward its respective cost claims for the proceeding by June 1, 2010.
3. NRG shall file with the Board and forward to the applicable intervenor any objections to the claimed costs by June 11, 2010.
4. The applicable intervenor shall file with the Board and forward to NRG any responses to any objections for cost claims by June 18, 2010.

All filings to the Board must quote the file number, EB-2010-0024, be made through the Board's web portal at www.errr.oeb.gov.on.ca, and consist of two paper copies and one electronic copy in searchable / unrestricted PDF format. Filings must clearly state the sender's name, postal address and telephone number, fax number and email address. Please use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at www.oeb.gov.on.ca. If the web portal is not available you may email your document to the address below. Those who do not have internet access are required to submit all filings on a CD or diskette in PDF format, along with two paper copies. Those who do not have computer access are required to file 7 paper copies. All communications should be directed to the attention of the Board Secretary office at BoardSec@oeb.gov.on.ca, and be received no later than 4:45 p.m. on the required date.

DATED at Toronto, May 18, 2010

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary