

**Attachment A
To
Notice of Further Revised Proposal to Amend Codes**

March 12, 2010

EB-2007-0722

**Further Revised Proposed Amendments
to the Distribution System Code, the Retail Settlement Code and the
Standard Supply Service Code: Customer Service**

Note: The text of the proposed amendments is set out in italics below, for ease of identification only.

The proposed amendments in bold italics are subject to further notice and comment.

Part I: Revised Proposed Amendments to the Distribution System Code

1. Section 1.7 of the Distribution System Code is amended by adding to the end of the paragraph "All of section 7, Service Quality Requirements, comes into force on January 1, 2009" the following "*with the exception of section 7.10*", and by adding the following paragraph thereafter:

The following sections come into force on January 1, 2011: ____.

2. Section 2.4.10 of the Distribution System Code is amended by adding immediately after the words "a disconnect / collect trip has occurred" the phrase "*or the distributor had to apply a security deposit in accordance with section 2.4.26A and required the customer to repay the security deposit in accordance with section 2.4.26B*".
3. Section 2.4.17 of the Distribution System Code is amended by adding the phrase "*, other than a residential electricity customer,*" immediately after the phrase "Where a customer".
4. Section 2.4.20 of the Distribution System Code is amended by replacing "installments" with "instalments" in the first sentence and by adding the following new paragraph:

- 2.4.20A *Despite section 2.4.20, a distributor shall permit a residential customer to provide a security deposit in equal instalments paid over a period of at least 6 months, including where a new security deposit is required due to the distributor having applied the existing security deposit against amounts owing under section 2.4.26A.*
5. Section 2.4.22 of the Distribution System Code is amended by adding the following new paragraph:
- 2.4.22A *For the purposes of section 2.4.22, where a residential customer has paid a security deposit in instalments, a distributor shall conduct a review of the customer's security deposit in the calendar year in which the anniversary of the first instalment occurs and thereafter at the next review as required by this Code.*
6. Section 2.4.23 of the Distribution System Code is amended by adding the following new paragraph:
- 2.4.23A *For the purposes of section 2.4.23, where a residential customer has paid a security deposit in instalments, the customer shall not be entitled to request a review of the security deposit until 12 months after the first instalment was paid.*
7. Section 2.4.25 of the Distribution System Code is amended by adding the following new paragraph:
- 2.4.25A *Despite section 2.4.25, where a residential electricity customer is required to adjust the security deposit upwards, a distributor shall permit the customer to pay the adjustment amount in equal instalments paid over a period of at least 6 months.*
8. Section 2.4.26 of the Distribution System Code is amended by adding the following new paragraphs:
- 2.4.26A *A distributor shall not issue a disconnection notice to a residential customer for non-payment unless the distributor has first applied any security deposit held on account for the customer against any amounts owing at that time and the security deposit was insufficient to cover the total amount owing.*

2.4.26B *Where a distributor applies all or part of a security deposit to offset amounts owing by a residential customer under section 2.4.26A, the distributor may request that the customer repay the amount of the security deposit that was so applied. The distributor shall allow the residential customer to repay the security deposit in instalments in accordance with section 2.4.20A.*

9. Section 2 of the Distribution System Code is amended by adding the following new heading and paragraphs:

2.6 Bill Issuance and Payment

2.6.1 *A distributor shall include on each bill issued to a customer the date on which the bill is printed.*

2.6.2 *Except as otherwise permitted by this Code, a distributor shall not treat a bill issued to a customer as unpaid, and shall not impose any late payment or other charges associated with non-payment, until the applicable minimum payment period set out in section 2.6.3 has elapsed.*

2.6.3 *For the purposes of section 2.6.2, the minimum payment period shall be 16 days from the date on which the bill was issued to the customer.*

A distributor may provide for longer minimum payment periods, provided that any such longer minimum payment periods are documented in the distributor's Conditions of Service.

2.6.4 *For the purposes of section 2.6.3, a bill will be deemed to have been issued to a customer:*

- (a) *if sent by mail, on the third day after the date on which the bill was printed by the distributor;*
- (b) *if made available over the internet, on the date on which an e-mail is sent to the customer notifying the customer that the bill is available for viewing over the internet;*
- (c) *if sent by e-mail, on the date on which the e-mail is sent; or*
- (d) *if sent by more than one of the methods listed in paragraphs (a) to (c), on whichever date of deemed issuance occurs last.*

2.6.5 *A distributor shall apply the following rules for purposes of determining the date on which payment of a bill has been received from a customer:*

- (a) *if paid by mail, three days prior to the date on which the distributor receives the payment;*
- (b) *if paid at a financial institution or electronically, on the date on which the payment is acknowledged or recorded by the customer's financial institution; or*
- (c) *if paid by credit card issued by a financial institution, on the date and at the time that the charge is accepted by the financial institution.*

2.6.6 *Where a bill issued to a residential customer includes charges for goods or services other than electricity charges, a distributor shall allocate any payment made by the customer first to the electricity charges and then, if funds are remaining, to the charges for other goods or services.*

2.6.6.1 *Section 2.6.6 does not apply to existing joint billing agreements until the renewal date of such agreements or 2 years, whichever comes earlier, and thereafter the provisions of section 2.6.6 will be deemed applicable.*

2.6.6.2 *Where payment on account of a bill referred to in section 2.6.6 or 2.6.6.1 is sufficient to cover electricity charges, the distributor shall not impose late payment charges, issue a disconnection notice or disconnect electricity supply.*

2.6.6.3 *For the purposes of this section, "electricity charges" are:*

- (a) *charges that appear under the sub-headings "Electricity", "Delivery", "Regulatory Charges" and "Debt Retirement Charge" as described in Ontario Regulation 275/04 (Information on Invoices to Low-volume Consumers of Electricity) made under the Act, and all applicable taxes on those charges;*
- (b) *where applicable, charges prescribed by regulations under section 25.33 of the Electricity Act, 1998 and all applicable taxes on those charges; and*
- (c) *Board-approved late payment fees, specific service charges and such other charges and applicable taxes associated with the consumption of electricity as may be required by law to be included on the bill issued to the customer or as may be designated by the Board for the purposes of this section but not including security deposits.*

2.6.7 *For the purposes of section 2.6, a distributor shall apply the following rules relating to the computation of time:*

- (a) *where there is reference to a number of days between two events, the days shall be counted by excluding the day on which the first event happens and including the day on which the second event happens;*
- (b) *where the time for doing an act expires on a day that is not a business day, the act may be done on the next day that is a business day;*
- (c) *where an act, other than payment by a customer, occurs on a day that is not a business day, it shall be deemed to have occurred on the next business day;*
- (d) *where an act, other than payment by a customer, occurs after 5:00 p.m., it shall be deemed to have occurred on the next business day; and*
- (e) *receipt of a payment by a customer is effective on the date that the payment is made, including payments made after 5:00 p.m.*

For the purposes of this section, a “business day” is any day other than a Saturday or a holiday as defined in section 88 of the Legislation Act, 2006.

10. Section 2 of the Distribution System Code is amended by adding the following new heading and paragraphs:

2.7 Arrears Management Programs

- 2.7.1 *A distributor shall make available to any residential electricity customer who is unable to pay his or her outstanding electricity charges, as defined in section 2.6.6.3, the opportunity to enter into an arrears payment agreement with the distributor. The arrears payment agreement shall include, at a minimum, the terms and conditions specified in sections 2.7.1.1 – 2.7.5 inclusive.*
- 2.7.1.1 *Before entering into an arrears payment agreement under section 2.7, a distributor shall apply any security deposit held on account of the customer against any electricity charges owing at the time.*
- 2.7.1.2 *As part of the arrears payment agreement, a distributor may require that the customer pay a down payment of up to 15% of the electricity charge arrears accumulated, inclusive of any applicable late payment charges but excluding other service charges, when entering into the arrears management program.*
- 2.7.2 *The arrears payment agreement referred to in section 2.7.1 shall allow the residential electricity customer to pay all remaining electricity charges that are then overdue for payment **as well as***

the current bill amount, after applying a security deposit under section 2.7.1.1, and the down payment referred to in section 2.7.1.2, including all electricity-related service charges that have accrued to the date of the agreement, over the following periods:

- (a) a period of at least 5 months, where the total amount of the electricity charges remaining overdue for payment is less than twice the customer's average monthly billing amount; or
- (b) a period of at least 10 months, where the total amount of the electricity charges remaining overdue for payment is equal to or exceeds twice the customer's average monthly billing amount.

2.7.3 For the purposes of section 2.7.2, the customer's average monthly billing amount shall be calculated by taking the aggregate of the total electricity charges billed to the customer in the preceding 12 months and dividing that value by 12. If the customer has been a customer of the distributor for less than 12 months, the customer's average monthly billing amount shall be based on a reasonable estimate made by the distributor. For the purposes of this section, "electricity charges" has the same meaning as in section 2.6.6.3.

2.7.4 Where a customer defaults on more than one occasion in making a payment in accordance with an arrears payment agreement or on account of a current electricity charge billing, the distributor may cancel the arrears payment agreement.

2.7.4.1 If the distributor cancels an arrears payment agreement pursuant to section 2.7.4, the distributor will give written notice of cancellation to the customer and to any third party designated by the customer under section 2.7.4.1A at least 10 days before the effective date of the cancellation.

2.7.4.1A Where, at the time of entering into an arrears payment agreement a customer has designated a third party to receive notice of cancellation of the arrears payment agreement, the distributor shall provide notice of cancellation to such third party.

2.7.4.1B A distributor shall accept electronic mail (e-mail) or telephone communications from the customer for purposes of section 2.7.4.1A.

2.7.4.2 If the customer makes payment of all amounts due pursuant to the arrears payment agreement as of the cancellation date referred to in section 2.7.4.1 and makes such payment on or before the

cancellation date, the distributor shall reinstate the arrears payment agreement.

2.7.5 ***A distributor shall make available to a residential electricity customer a second arrears payment agreement if the customer so requests, provided that 2 years or more has passed since a first arrears payment agreement was entered into and provided that the customer performed his or her obligations under the first arrears payment agreement.***

11. Section 2 of the Distribution System Code is amended by adding the following heading and paragraphs:

2.8 ***Opening and Closing of Accounts***

2.8.1 *Where a distributor opens an account for a property in the name of a person at the request of a third party, the distributor shall within 15 days of the opening of the account send a letter to the person advising of the opening of the account and requesting that the person confirm that he or she agrees to be the named customer. If the distributor does not receive confirmation from the intended customer, within 15 days of the date of the letter, the distributor shall advise the third party that the account will not be set up as requested.*

2.8.1.1 *The distributor is not required to send a letter advising of the opening of the account where the request to open the account is made in writing by the person's solicitor or person in possession of a valid Power of Attorney for the person.*

2.8.2 *Despite any other provision of this Code, with the exception of the parties mentioned in section 2.8.1.1, where a distributor has opened an account for a property in the name of a person at the request of a third party, the distributor shall not seek to recover from that person any charges for service provided to the property unless the person has agreed to be the customer of the distributor in relation to the property.*

2.8.3 *Despite any other provision of this Code, with the exception of the parties mentioned in section 2.8.1.1 or an agreement under section 2.8.3A, where a distributor receives a request to close or transfer an account in relation to a rental unit in a residential complex as defined in the Residential Tenancies Act, 2006 or another residential property, the distributor shall not seek to recover any charges for service provided to that rental unit or residential property after closure of the account from any person, including the*

landlord for the residential complex or a new owner of the residential property, unless the person has agreed to assume responsibility for those charges.

- 2.8.3A** ***A distributor may enter into an agreement with a landlord whereby the landlord agrees to assume responsibility for paying for continued service to the rental property after closure of a tenant’s account.***
- 2.8.4 *For the purposes of section 2.8, the requirement for an agreement in writing includes agreements in electronic form in accordance with the Electronic Commerce Act, 2000.*
- 2.8.4A** ***For the purposes of sections 2.8.1, 2.8.2 and 2.8.3, the agreement may be established by verbal request over the telephone provided that a recording of the verbal request is retained by the distributor for 24 months thereafter.***
- 2.8.4B** ***For the purposes of section 2.8.3A, the agreement may be established by verbal request over the telephone provided that a recording of the verbal request is retained by the distributor for the length of the agreement, plus an additional 6 months.***
- 2.8.5** ***Nothing in sections 2.8.1 – 2.8.4B inclusive is intended to void or cancel any binding agreements for service existing as of the effective date of these amendments or any pre-existing agreements between landlords and distributors.***

[Note: For ease of identification, section 4.2 of the Distribution System Code pertains to “Disconnection and Reconnection”]

12. Sections 4.2.2 and 4.2.3 of the Distribution System Code are deleted and replaced with the following paragraphs:

- 4.2.2 *A distributor that intends to disconnect, pursuant to section 31 of the Electricity Act, 1998, the property of a residential customer for non-payment shall send or deliver a disconnection notice to the customer that contains, at a minimum, the following information:*
- (a) *the date on which the disconnection notice was printed by the distributor;*
 - (b) *the earliest and latest dates on which disconnection may occur, in accordance with sections 4.2.3 and 4.2.2.3;*
 - (c) *the amount that is then overdue for payment, including all applicable late payment and other charges associated with non-payment to that date;*

- (d) *the amount of any approved service charge(s) that may apply if disconnection occurs, and the circumstances in which each of these charges is payable;*
- (e) *the forms of payment that the customer may use to pay all amounts that are identified as overdue in the disconnection notice, which must at least include payment by credit card issued by a financial institution as described in section 4.2.4 and any other method of payment that the distributor ordinarily accepts and which can be verified within the time period remaining before disconnection;*
- (f) ***the time period during which any given form of payment listed under paragraph (e) will be accepted by the distributor;***
- (g) ***that, in order to avoid disconnection when the distributor attends at the customer's property to execute the disconnection, a customer will only be able to pay by credit card issued by a financial institution, unless the distributor, in its discretion, will accept other forms of payment at that time and sets out the other forms of payment in the disconnection notice;***
- (h) ***that a disconnection may take place whether or not the customer is at the premises;***
- (i) *that a Vital Services By-Law may exist in the customer's community and that the customer should contact their local municipality for more information;*
- (j) *that a Board- prescribed arrears management program may be available to all residential customers, and that other voluntary bill payment and financial assistance may be available, and contact information for the distributor where the customer can obtain further information about available assistance; and*
- (k) *any additional option(s) that the distributor chooses, in its discretion, to offer to the customer to avoid disconnection and the deadline for the customer to avail himself or herself of such option(s).*

4.2.2.1 *A distributor that sends or delivers to a customer a disconnection notice, pursuant to section 31(2) of the Electricity Act, 1998, for non-payment shall not include that notice in the same envelope as a bill or any other documentation emanating from the distributor.*

4.2.2.2 *A distributor shall, at the request of a residential customer, send a copy of any disconnection notice issued to the customer for non-payment to a third party designated by the customer for that purpose provided that the request is made no later than the last day*

of the applicable minimum notice period set out in section 4.2.3. In such a case:

- (a) the distributor shall notify the third party that the third party is not, unless otherwise agreed with the distributor, responsible for the payment of any charges for the provision of electricity service in relation to the customer's property; and*
- (b) the rules set out in sections 2.6.4 and 2.6.7 shall apply, with such modifications as the context may require, for the purposes of determining the date of receipt of the disconnection notice by the third party.*

4.2.2.2A *A customer may, at any time prior to disconnection, designate a third party to also receive any future notice of disconnection and the distributor shall send notice of disconnection to such third party.*

4.2.2.2B *A distributor shall accept electronic mail (e-mail) or telephone communications from the customer for purposes of section 4.2.2.2A.*

4.2.2.3 *A disconnection notice issued for non-payment shall expire on the date that is 11 days from the last day of the applicable minimum notice period referred to in section 4.2.3, determined in accordance with the rules set out in section 2.6.7. A distributor may not thereafter disconnect the property of the customer for non-payment unless the distributor issues a new disconnection notice in accordance with section 4.2.2.*

4.2.2.4 ***A distributor shall make reasonable efforts to contact, in person or by telephone, a residential customer to whom the distributor has issued a disconnection notice for non-payment at least 48 hours prior to the scheduled date of disconnection. At that time, the distributor shall:***

- (a) advise the customer of the scheduled date for disconnection;***
- (b) advise that the customer has the option to pay amounts owing by credit card issued by a financial institution, in addition to other forms of payment that the distributor will accept at that time and which can be verified within the time period remaining before disconnection; and advise during what hours such payments may be made;***
- (c) advise the customer that, when the distributor attends at the customer's property to execute the disconnection, the customer will only be able to pay by credit card issued by a financial institution, unless the distributor, in its discretion, will accept other forms of payment at that time;***

- (d) **advise the customer that a Board-prescribed arrears management program may be available to the customer; the distributor must be prepared to enter into an arrears payment agreement at that time if the customer is eligible under section 2.7; and**
- (e) **advise the customer of any additional option(s) that the distributor, in its discretion, wishes to offer to the customer to avoid disconnection.**

- 4.2.2.5 *Where a distributor issues a disconnection notice for non-payment in respect of the disconnection of a multi-unit, master-metered building, the distributor shall post a copy of the disconnection notice in a conspicuous place on or in the building promptly after issuance of the notice.*
- 4.2.2.6 *A distributor shall suspend any disconnection action for a period of 21 days from the date of notification by a registered charity, government agency or social service agency that it is assessing a residential customer for the purposes of determining whether the customer is eligible to receive bill payment assistance, provided such notification is made **within 10 days** from the date on which the disconnection notice is received by the customer. Where a residential customer had requested prior to the issuance of the disconnection notice that the distributor also provide a copy of any disconnection notice to a third party, the distributor shall suspend any disconnection action for a period of 21 days from the date of notification by the third party that he, she or it is attempting to arrange assistance with the bill payment, provided such notification is made **within 10 days** from the date on which the disconnection notice is received by the customer.*
- 4.2.2.7 *Despite section 4.2.2.6, upon notification by a registered charity, government agency or social service agency that a customer is not eligible to receive bill payment assistance, or if another third party who was considering the provision of bill assistance decides not to proceed, the distributor may continue its disconnection process. **Distributors will have up to 11 days to act on the previous disconnection notice and must make a further reasonable effort to contact the customer in accordance with section 4.2.2.4 prior to executing disconnection.***
- 4.2.3 *A distributor shall not disconnect a customer for non-payment until the following minimum notice periods have elapsed.*
- (a) *60 days from the date on which the disconnection notice is received by the customer, in the case of a residential customer that has provided the distributor with documentation from a physician*

confirming that disconnection poses a risk of significant adverse effects on the physical health of the customer or on the physical health of the customer's spouse or dependent family member who resides with the customer; or

(b) 10 days from the date on which the disconnection notice is received, in all other cases.

4.2.3.1 For the purposes of section 4.2.3:

- (a) where a disconnection notice is sent by mail, the disconnection notice shall be deemed to have been received by the customer on the third business day after the date on which the notice was printed by the distributor;*
- (b) where a disconnection notice is delivered by personal service, the disconnection notice shall be deemed to have been received by the customer on the date of delivery;*
- (c) where a disconnection notice is delivered by being posted on the customer's property, the disconnection notice shall be deemed to have been received by the customer on the date of such posting;*
- (d) "spouse" has the meaning given to it in section 29 of the Family Law Act;*
- (e) "dependent family member" means a "dependent" as defined in section 29 of the Family Law Act and also includes a grandparent who, based on need, is financially dependent on the customer; and*
- (f) the distributor shall apply the rules relating to the computation of time set out in section 2.6.7.*

4.2.4

- (a) Where a distributor has issued a disconnection notice to a residential customer for non-payment, the distributor shall ensure **it has the facilities or staff available** to permit the customer to pay all amounts that are then overdue for payment by credit card issued by a financial institution. **Subject to paragraph (b), this payment option must be offered during the regular business hours of the distributor, from the time the disconnection notice is delivered to a residential customer until the time the distributor's staff attends at the customer's premises to execute the disconnection.***
- (b) Where a distributor attends at a customer's property to execute a disconnection, whether during or after the distributor's regular business hours, the distributor shall ensure **it has the facilities or staff available at that time to permit the customer to pay all amounts that are then overdue for payment by credit card issued by a financial institution.***

The distributor may, in its discretion, also accept other forms of payment at the time of disconnection.

- (c) Where a distributor was unsuccessful in its attempt to contact a residential customer 48 hours before the planned disconnection as required under section 4.2.2.4, the distributor shall make a reasonable attempt to communicate with the customer, if he or she is at the property, to advise that disconnection will be executed and that payment may be made by credit card issued by a financial institution.***

[Note: For ease of identification, section 6.1 of the Distribution System Code pertains to “Responsibilities to Load Customers”]

13. Section 6.1.2 of the Distribution System Code is amended by adding the following new paragraphs:

6.1.2.1 *Nothing in section 6.1.2 shall be construed as permitting a distributor to recover or to seek to recover charges for a service provided to a property from any person other than a person that has agreed to be the customer of the distributor in relation to the property or that has agreed to assume responsibility for those charges.*

6.1.2.2 ***For the purposes of section 6.1.2.1, the agreement may be in electronic form pursuant to the Electronic Commerce Act, 2000, and includes telephone communications provided that a recording of the telephone communication is retained by the distributor for 24 months thereafter***

6.1.2.3 *Section 6.1.2.1 applies to all agreements entered into after the effective date of these amendments and is not intended to void or cancel any binding agreements for service existing as of the effective date of these amendments.*

14. Section 7 of the Distribution System Code is amended by adding the following heading and paragraphs:

7.10 Reconnection Standards

7.10.1 *Where a distributor has disconnected the property of a customer for non-payment, the distributor shall reconnect the property within 2 business days, as defined in section 2.6.7, of the date on which the customer:*

- (a) makes payment in full of the amount overdue for payment as specified in the disconnection notice; or*

(b) enters into an arrears payment agreement with the distributor referred to in section 2.7.

7.10.2 *This service quality requirement must be met at least 85 percent of the time on a yearly basis.*

Part II: Revised Proposed Amendments to the Retail Settlement Code

1. Section 1.2 of the Retail Settlement Code is amended to add the following definition:

“customer” means a person that has contracted for or intends to contract for connection of a building or an embedded generation facility. This includes developers of residential or commercial subdivisions.

2. Section 1.7 of the Retail Settlement Code is amended by adding the following sentence at the end of the section:

The amendment to section 7.7 comes into force on January 1, 2011.

3. Section 7.7 of the Retail Settlement Code is deleted and replaced with the following new sections:

The following rules apply to billing errors in respect of which Measurement Canada has not become involved in the dispute:

7.7.1 *Where a distributor has over billed a customer or retailer by an amount that is equal or exceeds the customer’s or retailer’s average monthly billing amount, determined in accordance with section 7.7.5, the distributor shall, within 10 days of determination of the error, notify the customer or retailer of the over billing and advise that the customer or retailer may elect to have the full amount credited to their account or repaid in full by cheque, within 11 days of requesting payment by cheque. Where the customer or retailer has not requested payment by cheque within 10 days of notification of the error by the distributor, the distributor may credit the full amount to the account.*

7.7.2 *Where a distributor has over billed a customer or retailer by an amount that is less than the customer’s or retailer’s average monthly billing amount, determined in accordance with section 7.7.5, the distributor shall credit the account in the next regularly scheduled bill issued to the customer or retailer.*

7.7.3 *If there are outstanding arrears on the customer’s or retailer’s account, the distributor is not required to repay the over-billed amount but may apply it*

to the arrears on the customer's or retailer's account and credit or repay to the customer or retailer the remaining balance.

- 7.7.4 Where a distributor has under billed a customer who is not responsible for the error, the distributor shall allow the customer to pay the under-billed amount in equal instalments over a period at least equal to the duration of the billing error, up to a maximum of 2 years.*
- 7.7.5 For the purposes of sections 7.7.1 and 7.7.2, the customer's or retailer's average monthly billing amount shall be calculated by taking the aggregate of the total electricity charges billed to the customer or retailer in the preceding 12 months and dividing that value by 12. If the customer has been receiving service from a distributor for less than 12 months, the customer's average monthly billing amount shall be based on a reasonable estimate made by the distributor. For the purposes of this section, "electricity charges" has the same meaning as in section 2.6.6.3 of the Distribution System Code.*
- 7.7.6 Where a distributor has under billed a customer or retailer who is responsible for the error, whether by way of tampering, willful damage, unauthorized energy use or other unlawful actions, the distributor may require payment of the full under-billed amount by means of a corresponding charge on the next regularly scheduled bill issued to the customer or retailer or on a separate bill to be issued to the customer or retailer responsible for the error. Where disconnection has occurred, the distributor may require payment of such bill prior to the reconnection of service upon request by the customer responsible for the tampering, willful damage, unauthorized energy use or other unlawful actions that caused the under billing.*
- 7.7.7 Where the distributor has under billed a customer or retailer, the maximum period of under billing for which the distributor is entitled to be paid is 2 years. Where the distributor has over billed a customer or retailer, the maximum period of over billing for which the customer or retailer is entitled to be repaid is 2 years.*
- 7.7.8 A distributor may charge interest on under-billed amounts only where the customer or retailer was responsible for the error, whether by way of tampering, willful damage, unauthorized energy use or other unlawful actions. Such interest shall be equal to the prime rate charged by the distributor's bank.*
- 7.7.9 A distributor that has over billed a customer or retailer and the billing error is not the result of a distributor's standard documented billing practices, shall pay interest on the amount credited or repaid to the customer or retailer equal to the prime rate charged by the distributor's bank.*

7.7.10 *The entity billing a customer, whether it is a distributor or retailer, is responsible for advising the customer of any meter error and of his, her or its rights and obligations under the Electricity and Gas Inspection Act (Canada). The billing party is also responsible for subsequently settling actual payment differences with the customer as described above.*

7.7.11 *The provisions of section 7.7 do not apply where the distributor has over billed or under billed a customer or retailer but issues a corrected bill within 16 days of the issue date of the original erroneous bill.*

Part III: Revised Proposed Amendments to the Standard Supply Service Code

1. Section 1.6 of the Standard Supply Service Code is amended by adding the following section:

1.6.4 *The amendment to section 2.6.2 comes into force on January 1, 2011.*

2. Section 2.6.2 of the Standard Supply Service Code is deleted and replaced with the following:

2.6.2 A distributor shall offer an equal monthly payment plan option to all residential customers receiving standard supply service. The equal monthly payment plan option shall meet the following minimum requirements:

(a) a distributor may only refuse to provide an equal monthly payment plan option to a customer that is in arrears on payment to the distributor for electricity charges, as defined in the Distribution System Code, and that has not entered into an arrears payment agreement with the distributor as referred to in the Distribution System Code;

(b) a distributor may require a residential customer on an equal monthly payment plan to agree to pre-authorized automatic monthly payment withdrawals from the customer's account with a financial institution if the billing cycle of the distributor is less frequently than monthly;

(c) despite any other code issued by the Board, the equal payment plan option offered to a residential electricity customer shall provide for the customer to make equalized payments on a monthly basis and shall make provision for the customer to select from at least two dates within the month on which the

monthly equalized payment is due and the pre-authorized payment is withdrawn from the customer's bank account;

- (d) a distributor may issue its bill to a residential customer on a monthly equal payment plan on a monthly, bi-monthly or quarterly basis;*
- (e) subject to paragraph (f), the equal monthly payment plan shall provide for annual reconciliation of the plan as follows:*
 - i) while a customer may join an equal monthly payment plan at any time during the calendar year, the distributor is only required to reconcile all of its equal monthly payment plans once during the calendar year and not on the 12th month anniversary since each individual customer joined the plan;*
 - ii) in the first year of an equal monthly payment plan and where the customer has been on the plan for less than 12 months, the customer may receive a reconciliation earlier than the 12th month anniversary, as a result of subsection i);*
 - iii) while a distributor is only required to reconcile equal monthly payment plans on an annual basis, a distributor shall review its equal monthly payment plans quarterly or semi-annually and adjust the equal monthly payment amounts in the event of material changes in a customer's total electricity charges;*
 - iv) where the annual reconciliation demonstrates that funds are owing to the customer in an amount that is less than the customer's average monthly billing amount, the distributor shall credit the amount to the customer's account;*
 - v) where the annual reconciliation demonstrates that funds are owing to the customer in an amount that is equal to or exceeds the customer's average monthly billing amount, the distributor shall credit the amount to the customer's account and advise the customer that the customer may contact the distributor within 10 days of the date of the bill to request refund of the overpayment by cheque instead and the distributor shall make payment within 11 days of the customer's request;*

- vi) *where the annual reconciliation demonstrates that funds are owing by the customer in an amount that is less than the customer's average monthly billing amount, the distributor may collect the full amount owed by a corresponding charge on the bill issued to the customer in the 12th month of the equal monthly payment plan; and*
 - vii) *where the annual reconciliation demonstrates that funds are owing by the customer in an amount that is equal to or exceeds the customer's average monthly billing, the distributor shall roll over the balance due to the following year's equal monthly payment plan and recover the balance over the first 11 months of the following year's equal monthly payment plan; and*
- (f) *where a customer leaves the equal monthly payment plan for any reason, the distributor shall conduct a reconciliation and shall include any funds owing by or to the customer as a charge or credit on the next regularly scheduled bill issued to the customer.*

2.6.2A For the purposes of section 2.6.2:

- (a) *a customer's average monthly billing amount shall be calculated by taking the aggregate of the total electricity charges billed to the customer in the preceding 12 months and dividing that value by 12. If the customer has been receiving service from a distributor for less than 12 months, the customer's average monthly billing amount shall be based on a reasonable estimate made by the distributor. For the purposes of this section, "electricity charges" has the same meaning as in section 2.6.6.3 of the Distribution System Code; and*
- (b) *where a residential customer requests equal payment, the equalized monthly payment amount shall include all "electricity charges" as defined in section 2.6.6.3 of the Distribution System Code.*