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**EB-2015-0148**

**September 14, 2015**

**NOTICE OF PROPOSAL  
TO AMEND THE DISTRIBUTION SYSTEM CODE, THE UNIT SUB-METERING CODE, THE  
RETAIL SETTLEMENT CODE, THE STANDARD SUPPLY SERVICE CODE FOR  
ELECTRICITY DISTRIBUTORS, AND THE GAS DISTRIBUTION ACCESS RULE TO  
IMPLEMENT THE ONTARIO ELECTRICITY SUPPORT PROGRAM**

**BOARD FILE NO.: EB-2015-0148**

**To: All Licensed Electricity Distributors  
All Licensed Unit Sub-Meter Providers  
All Natural Gas Distributors  
All Participants in EB-2015-0148 (Consultation to Implement the Ontario Electricity  
Support Program)  
All Interested Parties**

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The Ontario Energy Board (OEB) has issued, for stakeholder comment, proposed amendments to the Distribution System Code (DSC), the Unit Sub-Metering Code (USMC), the Retail Settlement Code (RSC), the Standard Supply Service Code for Electricity Distributors (SSSC), and the Gas Distribution Access Rule (GDAR) pursuant to sections 45 and 70.2 of the *Ontario Energy Board Act, 1998*.

The purpose of the proposed code amendments is to support the implementation and ongoing operation of the Ontario Electricity Support Program (OESP).

**A. Background**

The OEB is now in the process of implementing the OESP, which will provide ongoing and on-bill rate assistance for low-income electricity consumers in Ontario. The program is set to be available on January 1, 2016.

Over the past year, the OEB consulted with social service agencies, utilities, low-income advocates, First Nations and Métis communities among others in the design of this new rate

assistance program. The results of the OEB's consultation on the program design, and the OEB's recommended approach to the OESP, are set out in the *Report of the Board: Developing an Ontario Electricity Support Program* (December 22, 2014). The OEB continues to consult with these stakeholders as it moves forward with the detailed design and implementation of the program.

The proposed code amendments will provide a foundation for the delivery and administration of the OESP. This will ensure that the OESP is delivered consistently across the province.

## **B. Overview of the OESP Program**

The OESP is an ongoing, ratepayer-funded program to provide a monthly credit on electricity bills for low-income consumers.

Eligibility for the OESP will be determined on the basis of household income and household size. The proposed income thresholds were derived from Statistics Canada's Low-Income Measure.

Consumers will apply for the program online, or through a local social service agency. The OEB has selected a Centralized Service Provider (CSP) to process the applications and determine each applicant's eligibility. The CSP will also communicate eligibility determinations to the applicant and the applicant's distributor or unit sub-meter provider.

Distributors and unit sub-meter providers will play a key role in the delivery of the OESP. Their primary tasks include verifying customer account information for the CSP; applying OESP amounts to recipients' bills; and notifying recipients when they must reapply for the program.

The program will be funded by all ratepayers through a per kilowatt-hour charge on electricity bills. The Independent Electricity System Operator will collect and distribute funds to distributors and unit sub-meter providers to compensate them for the OESP credits they apply to eligible consumers' bills.

## **C. Proposed Amendments to the DSC**

**Attachment A** to this Notice contains the proposed amendments to the DSC. One of the purposes of the amendments is to establish the eligibility criteria for OESP assistance. As proposed in the OEB's December 22, 2014 report, eligibility will be determined on the basis of household income and household size. Table 1 shows which consumers will qualify:

**Table 1: Who is Eligible for OESP?**

Household Income (\$)	Household Size (# of people)						
	1	2	3	4	5	6	7
28,000 or less	✓	✓	✓	✓	✓	✓	✓
28,001 – 39,000			✓	✓	✓	✓	✓
39,001 – 48,000					✓	✓	✓
48,001 – 52,000							✓

The OEB's report proposed a sliding scale approach whereby the amount of OESP assistance would vary depending on the household's circumstances. For example, a home with one occupant and an annual income below \$28,000 would receive \$30 per month; a home with seven or more people and a combined household income of between \$28,001 and \$39,000 would receive \$50 per month. Households that rely on electric heating or electricity-intensive medical devices, or that include one or more members of an Aboriginal community, would qualify for additional amounts.

To support the implementation of that approach, the proposed DSC amendments define nine classes of consumers that are eligible for OESP assistance (Classes A through I), as shown in Tables 2 and 3. Although the amendments do not specify the dollar amount of the OESP credit that each class will receive,<sup>1</sup> it is contemplated that the amount will increase progressively, i.e. Class A will receive the least and Class I the most.

**Table 2: Basic OESP Classes**

Household Income (\$)	Household Size (# of people)						
	1	2	3	4	5	6	7
28,000 or less	A	A	B	C	D	F	F
28,001 – 39,000			A	B	C	D	F
39,001 – 48,000					A	B	C
48,001 – 52,000							A

**Table 2: Supplementary OESP Classes (for households that rely on electric heat or electricity-intensive medical devices, and for Aboriginal households)**

Household Income (\$)	Household Size (# of people)						
	1	2	3	4	5	6	7
28,000 or less	E	E	F	G	H	I	I
28,001 – 39,000			E	F	G	H	I
39,001 – 48,000					E	F	G
48,001 – 52,000							E

<sup>1</sup> The amount of the OESP credit for each class of eligible consumers will be established in a rate order to distributors.

In addition to establishing the classes of consumers who are eligible for OESP, the DSC amendments will ensure:

1. Distributors are obligated to apply OESP amounts to eligible customers' bills in a consistent manner, as prescribed by the OEB;
2. Errors resulting in an incorrect OESP amount being applied to a customer's bill are promptly rectified, with no claw-back of overpaid amounts from the customer unless specifically approved by the OEB;
3. Distributors adhere to technical and administrative requirements established by the CSP and approved by the OEB, to ensure the smooth functioning of the program;<sup>2</sup>
4. OESP recipients receive timely notification when their eligibility is about to expire prompting them to reapply for the program so that rate assistance is not interrupted;
5. OESP accounts are settled with the IESO on a monthly basis, which will enable the OEB to effectively monitor program costs; and
6. Embedded distributors report OESP information (i.e. how many customers receive OESP each month, and how much) to their host distributors, which in turn would be reported to IESO.

The bulk of these proposed amendments are found in the entirely new chapter 9 to the DSC, entitled "OESP". To support these substantive amendments, several definitions will be revised or added. In addition, a few minor housekeeping amendments, unrelated to the OESP, are proposed, mainly to eliminate redundancies.

#### **D. Proposed Amendments to USMC**

**Attachment B** to this Notice contains the proposed amendments to the USMC. Given that the roles of unit sub-meter providers in delivering OESP is essentially identical to the role of electricity distributors, the proposed amendments to the USMC are largely the same as the proposed amendments to the DSC. This is also in keeping with the OEB's objective to maintain consistency between the DSC and USMC, where appropriate. The bulk of these proposed amendments are found in the new chapter 5 to the USMC.

One proposed amendment that is unique to the USMC is found in section 3.4 of the USMC. The OEB is proposing rules to ensure that OESP recipients living in a unit sub-metered residential

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<sup>2</sup> These CSP requirements will be consolidated in a document that is under development. Generally, the document will lay out standard operating procedures; protocols for maintenance of the OESP interface and issue resolution; communication channels between distributors and/or unit sub-meter providers and the CSP; as well as change management protocols. It will largely formalize program design decisions that distributors and unit sub-meter providers are already aware of.

complex would not see an interruption in their OESP assistance in the event a new unit sub-meter provider took over responsibility for the complex from another provider.

Also, the proposed section 5.2 (“Amount of OESP Rate Assistance”) does not have a direct analogue in the DSC. Because unit sub-meter providers are not currently rate-regulated by the OEB, the OEB will establish the amount of the OESP credit assistance for unit sub-meter provider customers through the Code itself rather than (as for distributor customers) through a rate order. However, section 5.2 ties the amount of the credit to whatever amount is set in the rate order applicable to distributors. This will ensure that the households in like circumstances will see the same credit, regardless of whether their account is with a distributor or a unit sub-meter provider.

#### **E. Proposed Amendments to RSC**

**Attachment C** to this Notice contains the proposed amendments to the RSC. These amendments update certain terms and definitions to ensure consistency with the DSC and the USMC.

#### **F. Proposed Amendments to SSSC**

**Attachment D** to this Notice contains the proposed amendments to the SSSC. These amendments update certain terms and definitions to ensure consistency with the DSC and the USMC. In addition, a minor change is proposed to the provisions regarding equal billing plans, in order to reflect the fact that with the implementation of the OESP, some consumers will be eligible for equal billing plans for longer than two years.

#### **G. Proposed Amendments to GDAR**

**Attachment E** to this Notice contains the proposed amendments to the GDAR. Although the OESP applies only to electricity bills, not gas bills, these consequential amendments to certain terms and definitions are required to ensure consistency with the DSC and the USMC.

#### **H. Anticipated Costs and Benefits**

The OEB believes that these code amendments are necessary to support the proper functioning of the OESP, which could benefit more than 500,000 low-income Ontario households. Although electricity distributors and unit sub-meter providers will need to incur some costs to comply with these new requirements, these costs are not expected to be significant.

## **I. Coming into Force**

The OEB proposes the final amendments, which will be determined after stakeholder comments have been received and considered, come into force on the date that the final amendments to each code are published on the OEB's website.

## **J. Invitation to Comment**

All interested parties are invited to submit written comments on the proposed code amendments, as set out in Attachments A - E, by **September 25, 2015**. The Board considers that this is a reasonable comment period, having regard to the need to have the OESP in place by January 1, 2016 and the fact that much of the substance of the proposed code amendments has been subject to public consultation and discussed in the utility working groups on OESP implementation.

Three (3) paper copies of each filing must be provided, and should be sent to:

Kirsten Walli  
Board Secretary  
Ontario Energy Board  
P.O. Box 2319  
2300 Yonge Street, Suite 2700  
Toronto, Ontario M4P 1E4

The OEB requests that interested parties make every effort to provide electronic copies of their filings in searchable/unrestricted Adobe Acrobat (PDF) format, and to submit their filings through the OEB's web portal at <https://www.pes.ontarioenergyboard.ca/eservice/>. A user ID is required to submit documents through the Board's web portal. If you do not have a user ID, please visit the "e-filings services" webpage on the Board's website at [www.ontarioenergyboard.ca](http://www.ontarioenergyboard.ca), and fill out a user ID password request.

Additionally, interested parties are requested to follow the document naming conventions and document submission standards outlined in the document entitled "RESS Document Preparation – A Quick Guide" also found on the e-filing services webpage. If the Board's web portal is not available, electronic copies of filings may be filed by e-mail at [boardsec@ontarioenergyboard.ca](mailto:boardsec@ontarioenergyboard.ca).

Those that do not have internet access should provide a CD containing their filing in PDF format.

Filings to the Board must be received by the Board Secretary by **4:45 p.m.** on the required date. They must quote file number **EB-2015-0148** and include your name, address, telephone number and, where available, your e-mail address and fax number.

If the written comment is from a private citizen (i.e., not a lawyer representing a client, not a consultant representing a client or organization, not an individual in an organization that represents the interests of consumers or other groups, and not an individual from a regulated entity), before making the written comment available for viewing at the Board's offices or placing the written comment on the Board's website, the Board will remove any personal (i.e., not business) contact information from the written comment (i.e., the address, fax number, phone number, and e-mail address of the individual). However, the name of the individual and the content of the written comment will be available for viewing at the Board's offices and will be placed on the Board's website.

This Notice, including the proposed amendments to the codes set out in Attachments A - G, and all written comments received by the Board in response to this Notice will be available for public viewing on the Board's web site at [www.ontarioenergyboard.ca](http://www.ontarioenergyboard.ca) and at the office of the Board during normal business hours.

If you have any questions regarding the proposed code amendments described in this Notice, please contact Donna Kinapen at [Donna.Kinapen@OntarioEnergyBoard.ca](mailto:Donna.Kinapen@OntarioEnergyBoard.ca) or at 416-440-8140. The Board's toll free number is 1-888-632-6273.

**DATED SEPTEMBER 14, 2015**

**ONTARIO ENERGY BOARD**

*Original signed by*

Kirsten Walli  
Board Secretary

Attachments: Attachment A – Proposed Amendments to the DSC  
Attachment B – Proposed Amendments to the USMC  
Attachment C – Proposed Amendments to the RSC  
Attachment D – Proposed Amendments to the SSSC  
Attachment E – Proposed Amendments to the GDAR

**Attachment A – Proposed Amendments to the Distribution System Code**

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

1. Section 1.2 of the Distribution System Code is amended as follows:

a. The following definition is added immediately after the definition of “consumer”:

*“CSP” means the centralized service provider engaged by the Board to administer the OESP on the Board’s behalf;*

b. The definition of “eligible low-income customer” is replaced with the following:

*“eligible low-income customer” means:*

*(a) a residential electricity consumer who has been approved by the CSP for the OESP; or*

*(b) a residential electricity consumer who has been approved by a LEAP Intake Agency for Emergency Financial Assistance;*

c. The definition of “Emergency Financial Assistance” is replaced with the following:

*“Emergency Financial Assistance” means emergency financial assistance under LEAP;*

d. The following definitions are added immediately after the definition of “large embedded generation facility”:

*“LEAP” means the Low-Income Energy Assistance Program established by the Board;*

*“LEAP Intake Agency” means a social service agency, municipality or government agency that assesses a residential electricity consumer’s eligibility for Emergency Financial Assistance;*

e. The following definition is added immediately after the definition of “MOST meter”:

*“OESP” means the Ontario Electricity Support Program established pursuant to section 79.2 of the Ontario Energy Board Act;*

- f. The definition of “Social Service Agency or Government Agency” is deleted.
2. Section 1.3 of the Distribution System Code is amended as follows:
    - a. The section heading, “Interpretations”, is replaced with “*Interpretation*”.
    - b. Section 1.3.2 is replaced with the following:

*1.3.2 For the purposes of the definition of “eligible low-income customer” in section 1.2 of this Code, a residential electricity customer becomes an eligible low-income customer on the day the customer is approved for Emergency Financial Assistance or the OESP, and remains an eligible low-income customer until the later of the following days: (a) the day that is two years from the day the customer is approved for Emergency Financial Assistance, and (b) the day that the customer stops receiving assistance under the OESP.*
    - c. Section 1.3.3 is deleted.
  3. Section 1.4 of the Distribution System Code is amended by deleting the comma and “1998” after “the Ontario Energy Board Act”.
  4. Paragraph 2.4.11(c) of the Distribution System Code is replaced with the following:

*(c) an eligible low-income customer has requested a waiver under section 2.4.11.1.*
  5. Section 2.4.11.1 of the Distribution System Code is amended by deleting the phrase “provided that such a customer contacts the distributor and thereafter confirms his or her low-income eligibility” and replacing it with “*upon request*”.
  6. Throughout the Distribution System Code (namely sections 2.4.11.1, 2.4.11.2, 2.9.2, 4.2.2.6 and 4.2.2.7), the term “Social Service Agency or Government Agency” is replaced with “*LEAP Intake Agency*”.
  7. Paragraphs 4.2.2(k1)(ii) and 4.2.2.4(f1)(ii) are amended by replacing the phrase “a Board-approved Emergency Financial Assistance Program administered through a Social Service Agency or Government Agency” with “*Emergency Financial Assistance*”.
  8. The following chapter 9 is added to the Distribution System Code:

## **9 OESP**

### **9.1 Eligibility for OESP Rate Assistance**

9.1.1 In this section 9.1:

*“Aboriginal person” includes a person who is a First Nations person, a Métis person or an Inuit person;*

*“account-holder” means a consumer who has an account with a distributor that falls within a residential-rate classification as specified in a rate order made by the Board under section 78 of the Act, and who lives at the service address to which the account relates for at least six months in a year;*

*“electricity-intensive medical device” means an oxygen concentrator, a mechanical ventilator, or such other device as may be specified by the Board;*

*“household” means the account-holder and any other people living at the account-holder’s service address for at least six months in a year, including people other than the account-holder’s spouse, children or other relatives;*

*“household income” means the combined annual after-tax income of all members of a household aged 16 or over; and*

9.1.2 For the purpose of subsection 79.2(4) of the Act, the following classes of consumers are rate-assisted consumers and are eligible for OESP rate assistance:

1. Class A comprises:

*(a) account-holders with a household income of \$28,000 or less living in a household of one or two persons;*

*(b) account-holders with a household income of between \$28,001 and \$39,000 living in a household of three persons;*

*(c) account-holders with a household income of between \$39,001 and \$48,000 living in a household of five persons; and*

*(d) account-holders with a household income of between \$48,001 and \$52,000 living in a household of seven or more persons;*

*but does not include account-holders in Class E.*

2. Class B comprises:

*(a) account-holders with a household income of \$28,000 or less living in a household of three persons;*

*(b) account-holders with a household income of between \$28,001 and \$39,000 living in a household of four persons;*

(c) *account-holders with a household income of between \$39,001 and \$48,000 living in a household of six persons;*

*but does not include account-holders in Class F.*

3. *Class C comprises:*

(a) *account-holders with a household income of \$28,000 or less living in a household of four persons;*

(b) *account-holders with a household income of between \$28,001 and \$39,000 living in a household of five persons;*

(c) *account-holders with a household income of between \$39,001 and \$48,000 living in a household of seven or more persons;*

*but does not include account-holders in Class G.*

4. *Class D comprises:*

(a) *account-holders with a household income of \$28,000 or less living in a household of five persons; and*

(b) *account-holders with a household income of between \$28,001 and \$39,000 living in a household of six persons;*

*but does not include account-holders in Class H.*

5. *Class E comprises account-holders with a household income and household size described under Class A who also meet any of the following conditions:*

(a) *the dwelling to which the account relates is heated primarily by electricity;*

(b) *the account-holder or any member of the account-holder's household is an Aboriginal person; or*

(c) *the account-holder or any member of the account-holder's household regularly uses, for medical purposes, an electricity-intensive medical device at the dwelling to which the account relates.*

6. *Class F comprises:*

(a) *account-holders with a household income of \$28,000 or less living in a household of six or more persons;*

(b) *account-holders with a household income of between \$28,001 and \$39,000 living in a household of seven or more persons; or*

*(c) account-holders with a household income and household size described under Class B who also meet any of the following conditions:*

- i. the dwelling to which the account relates is heated primarily by electricity;*
- ii. the account-holder or any member of the account-holder's household is an Aboriginal person; or*
- iii. the account-holder or any member of the account-holder's household regularly uses, for medical purposes, an electricity-intensive medical device at the dwelling to which the account relates.*

*7. Class G comprises account-holders with a household income and household size described under Class C who also meet any of the following conditions:*

- (a) the dwelling to which the account relates is heated primarily by electricity;*
- (b) the account-holder or any member of the account-holder's household is an Aboriginal person; or*
- (c) the account-holder or any member of the account-holder's household regularly uses, for medical purposes, an electricity-intensive medical device at the dwelling to which the account relates.*

*8. Class H comprises account-holders with a household income and household size described under Class D who also meet any of the following conditions:*

- (a) the dwelling to which the account relates is heated primarily by electricity;*
- (b) the account-holder or any member of the account-holder's household is an Aboriginal person ; or*
- (c) the account-holder or any member of the account-holder's household regularly uses, for medical purposes, an electricity-intensive medical device at the dwelling to which the account relates.*

*9. Class I comprises account-holders with a household income and household size described under paragraphs (a) or (b) of Class F who also meet any of the following conditions:*

- (a) the dwelling to which the account relates is heated primarily by electricity;*
- (b) the account-holder or any member of the account-holder's household is an Aboriginal person; or*
- (c) the account-holder or any member of the account-holder's household regularly uses, for medical purposes, an electricity-intensive medical device at the dwelling to which the account relates.*

9.1.3 *In the event of a conflict, an order of the Board under subsection 79.2(4) of the Act prevails over this section 9.1 to the extent of the conflict.*

9.1.4 *The Board may from time to time, without a hearing, revise the income parameters of the classes described in section 9.1.2, having regard to any changes to the Low-Income Measures published by Statistics Canada, except that no such revision shall be effective before January 1, 2017.*

## **9.2 Application of OESP Rate Assistance to the Bill**

9.2.1 *Where a distributor receives notice from the CSP that a consumer is eligible for rate assistance under the OESP, the distributor shall as soon as reasonably practicable apply the rate assistance specified in the notice to the consumer's bill.*

9.2.2 *The distributor shall apply the OESP rate assistance on the consumer's bill for the eligibility period specified in the notice, unless a different eligibility period is specified by the CSP any time thereafter or the distributor issues a final bill to the consumer before the eligibility period has expired.*

9.2.3 *Where a distributor receives notice from the CSP that a consumer's eligibility for rate assistance under the OESP has been renewed or canceled, or that the amount of rate assistance for which the consumer is eligible has changed, the distributor shall implement the necessary changes to the consumer's bill as soon as reasonably practicable.*

9.2.4 *Where a distributor issues a bill covering less than a full billing period, the distributor may prorate the amount of the OESP rate assistance.*

9.2.5 *Where a distributor disconnects and issues a final bill to a consumer who is receiving OESP rate assistance and within two billing periods reconnects the consumer, the distributor shall upon the reconnection apply the OESP rate assistance to the consumer's bill for the remainder of the eligibility period under section 9.2.2, if any.*

9.2.6 *Where the OESP rate assistance applied to a consumer's bill exceeds the amount owing on the bill, the distributor shall carry forward the credit to one or more subsequent bills, however the distributor shall not issue a refund of the credit to the consumer at any time including at the time the account is closed or transferred.*

## **9.3 Billing Errors**

9.3.1 *Where a distributor receives notice from the CSP of a correction to the amount of rate assistance that was specified in a notice under section 9.2.1, or where the distributor discovers that it has mistakenly applied an amount of rate assistance to a consumer's bill other than the amount specified in the notice under section 9.2.1, the distributor shall apply the corrected amount as soon as reasonably practicable, and shall identify the correction as a billing adjustment on the consumer's bill.*

9.3.2 Where the corrected amount is greater than the amount that was specified in the notice under section 9.2.1, the distributor shall reimburse the consumer for any rate assistance owing, in accordance with sections 7.7.1, 7.7.2 and 7.7.3 of the Retail Settlement Code, as though the consumer had been over-billed.

9.2.3 Where the corrected amount is less than the amount that was specified in the notice under section 9.2.1, the distributor shall not be entitled to recoup any rate assistance that the consumer has already received, and for greater certainty the distributor shall not collect any such rate assistance as under-billed amounts under sections 7.7.4 and 7.7.4.1 of the Retail Settlement Code, without the approval of the Board.

#### **9.4 Technical and Administrative Requirements of the CSP**

9.3.1 A distributor shall adhere to the technical and administrative requirements set out in the procedure issued by the CSP [on \_\_\_\_\_, 2015 and entitled "OESP Technical and Administrative Requirements for Distributors and Unit Sub-Meter Providers"], as it may be amended by the CSP from time to time, provided that no such amendment is effective until it is approved by the Board.

#### **9.5 Communications with Consumers**

9.5.1 A distributor shall notify a consumer that the consumer's eligibility period for OESP rate assistance is expiring at least 60 days before the period expires, and shall include in the notice information about applying for a renewal of the eligibility period. If the distributor sends the notice by mail, the distributor shall not include the notice in the same envelope as a bill or any other documentation emanating from the distributor.

9.5.2 A distributor shall post on its website a link to the Board's OESP application portal.

#### **9.6 Settlement**

9.6.1 For each calendar month in which a distributor applies any OESP rate assistance on consumer bills or collects any OESP-related charges, the distributor shall settle with the IESO no later than the 20th day of the following month.

#### **9.7 Reporting Requirements for Embedded Distributors**

9.7.1 For each calendar month, beginning in 2016, an embedded distributor shall provide its host distributor, no later than the second day of the following month, with the following information:

- (a) for each OESP rate class, the total number of the embedded distributor's customers that received OESP rate assistance; and
- (b) for each OESP rate class, the total amount of rate assistance received by the embedded distributor's customers.

**Attachment B – Proposed Amendments to the Unit Sub-Metering Code**

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

1. Section 1.2.1 of the Unit Sub-Metering Code is amended as follows:

a. The following definition is added immediately after the definition of “consumer”:

*“CSP” means the centralized service provider engaged by the Board to administer the OESP on the Board’s behalf;*

b. The definition of “eligible low-income consumer” is deleted and replaced with the following definition of “eligible low-income customer”:

*“eligible low-income customer” has the same meaning as in the Distribution System Code.*

c. The definition of “Emergency Financial Assistance” is replaced with the following:

*“Emergency Financial Assistance” means emergency financial assistance under LEAP;*

d. The following definitions are added immediately after the definition of “interval meter”:

*“LEAP” means the Low-Income Energy Assistance Program established by the Board;*

*“LEAP Intake Agency” means a social service agency, municipality or government agency that assesses a residential electricity consumer’s eligibility for Emergency Financial Assistance;*

e. The following definition is added immediately after the definition of “metering services”:

*“OESP” means the Ontario Electricity Support Program established pursuant to section 79.2 of the Ontario Energy Board Act;*

f. The definition of “Social Service Agency or Government Agency” is deleted.

2. Throughout the Unit Sub-Metering Code (namely sections 4.1.5A, 4.1.5B, 4.2.5H, 4.2.5I and 4.8.3), the term “Social Service Agency or Government Agency” is replaced with “*LEAP Intake Agency*”.
3. Throughout the Unit Sub-Metering Code (namely sections 4.1.5A, 4.1.5B, 4.1.14B, 4.1.14C, 4.2.5A, 4.2.5G, 4.6.5, 4.6.6, 4.6.14, 4.6.17 and 4.9.6) the term “eligible low-income consumer” (or, in the case of 4.1.5B, “low-income consumer”) is replaced with “*eligible low-income customer*”.
4. Section 1.3 of the Unit Sub-Metering Code is amended as follows:
  - a. The section heading, “Interpretations”, is replaced with “Interpretation”.
  - b. Sections 1.3.2 and 1.3.3 are deleted.
5. Section 3.4 is amended as follows:
  - a. The following is added to the end of section 3.4.2, after “consumers”:

*and the continuous application of OESP rate assistance to the bills of eligible consumers.*
  - b. The following is added to section 3.4.3, after “consumption”:

*but not including consumer information regarding the OESP,*
  - c. The following is added to the end of section 3.4.3, after “consumers”:

*Where the departing unit sub-meter provider is advised by the exempt distributor of the identity of the new unit sub-meter provider, the departing unit sub-meter provider shall, prior to the termination of the contract or as soon as reasonably practicable thereafter, ensure that consumer information regarding the OESP is properly transferred to the new unit sub-meter provider to allow for the continuous application of OESP rate assistance to the bills of eligible consumers, but in no case shall either unit sub-meter provider transfer such information to the exempt distributor.*
6. Section 4.1.5A of the Unit Sub-Metering Code is amended by deleting the phrase “an eligible low-income consumer provided that such a consumer contacts the unit sub-meter provider and thereafter confirms his or her low-income eligibility” and replacing it with “*eligible low-income customers upon request.*”
7. Section 4.1.5C of the Unit Sub-Metering Code is replaced with the following:

4.1.5C *A unit sub-meter provider shall not collect a security deposit from an eligible low-income customer who has requested a waiver under section 4.1.5A.*

8. Paragraphs 4.2.5A(j)(ii) and 4.2.2.5G(f)(ii) are amended by replacing the phrase “a Board-approved Emergency Financial Assistance Program administered through a Social Service Agency or Government Agency” with “*Emergency Financial Assistance*”.
9. Section 4.2.8 of the Unit Sub-Metering Code is amended by adding the word “a” between “from” and “consumer”.
10. The following chapter 5 is added to the Unit Sub-Metering Code:

## **5 OESP**

### **5.1 Eligibility for OESP Rate Assistance**

#### *5.1.1 In this section 5.1:*

*“Aboriginal person” includes a person who is a First Nations person, a Métis person or an Inuit person;*

*“account-holder” means a consumer who has an account with a unit sub-meter provider for electricity service at a residential dwelling, and who lives at the dwelling for at least six months in a year;*

*“electricity-intensive medical device” means an oxygen concentrator, a mechanical ventilator, or such other device as may be specified by the Board;*

*“household” means the account-holder and any other people living at the account-holder’s service address for at least six months in a year, including people other than the account-holder’s spouse, children or other relatives;*

*“household income” means the combined annual after-tax income of all members of a household aged 16 or over; and*

*5.1.2 For the purpose of subsection 79.2(4) of the Act, the following classes of consumers are rate-assisted consumers and are eligible for OESP rate assistance:*

#### *1. Class A comprises:*

*(a) account-holders with a household income of \$28,000 or less living in a household of one or two persons;*

*(b) account-holders with a household income of between \$28,001 and \$39,000 living in a household of three persons;*

*(c) account-holders with a household income of between \$39,001 and \$48,000 living in a household of five persons; and*

*(d) account-holders with a household income of between \$48,001 and \$52,000 living in a household of seven or more persons;*

*but does not include account-holders in Class E.*

*2. Class B comprises:*

*(a) account-holders with a household income of \$28,000 or less living in a household of three persons;*

*(b) account-holders with a household income of between \$28,001 and \$39,000 living in a household of four persons;*

*(c) account-holders with a household income of between \$39,001 and \$48,000 living in a household of six persons;*

*but does not include account-holders in Class F.*

*3. Class C comprises:*

*(a) account-holders with a household income of \$28,000 or less living in a household of four persons;*

*(b) account-holders with a household income of between \$28,001 and \$39,000 living in a household of five persons;*

*(c) account-holders with a household income of between \$39,001 and \$48,000 living in a household of seven or more persons;*

*but does not include account-holders in Class G.*

*4. Class D comprises:*

*(a) account-holders with a household income of \$28,000 or less living in a household of five persons; and*

*(b) account-holders with a household income of between \$28,001 and \$39,000 living in a household of six persons;*

*but does not include account-holders in Class H.*

*5. Class E comprises account-holders with a household income and household size described under Class A who also meet any of the following conditions:*

*(a) the dwelling to which the account relates is heated primarily by electricity;*

(b) *the account-holder or any member of the account-holder's household is an Aboriginal person; or*

(c) *the account-holder or any member of the account-holder's household regularly uses, for medical purposes, an electricity-intensive medical device at the dwelling to which the account relates.*

6. *Class F comprises:*

(a) *account-holders with a household income of \$28,000 or less living in a household of six or more persons;*

(b) *account-holders with a household income of between \$28,001 and \$39,000 living in a household of seven or more persons; or*

(c) *account-holders with a household income and household size described under Class B who also meet any of the following conditions:*

i. *the dwelling to which the account relates is heated primarily by electricity;*

ii. *the account-holder or any member of the account-holder's household is an Aboriginal person; or*

iii. *the account-holder or any member of the account-holder's household regularly uses, for medical purposes, an electricity-intensive medical device at the dwelling to which the account relates.*

7. *Class G comprises account-holders with a household income and household size described under Class C who also meet any of the following conditions:*

(a) *the dwelling to which the account relates is heated primarily by electricity;*

(b) *the account-holder or any member of the account-holder's household is an Aboriginal person; or*

(c) *the account-holder or any member of the account-holder's household regularly uses, for medical purposes, an electricity-intensive medical device at the dwelling to which the account relates.*

8. *Class H comprises account-holders with a household income and household size described under Class D who also meet any of the following conditions:*

(a) *the dwelling to which the account relates is heated primarily by electricity;*

(b) *the account-holder or any member of the account-holder's household is an Aboriginal person; or*

(c) the account-holder or any member of the account-holder's household regularly uses, for medical purposes, an electricity-intensive medical device at the dwelling to which the account relates.

9. Class I comprises account-holders with a household income and household size described under paragraphs (a) or (b) of Class F who also meet any of the following conditions:

(a) the dwelling to which the account relates is heated primarily by electricity;

(b) the account-holder or any member of the account-holder's household is an Aboriginal person; or

(c) the account-holder or any member of the account-holder's household regularly uses, for medical purposes, an electricity-intensive medical device at the dwelling to which the account relates.

5.1.3 In the event of a conflict, an order of the Board under subsection 79.2(4) of the Act prevails over this section 5.1 to the extent of the conflict.

5.1.4 The Board may from time to time, without a hearing, revise the income parameters of the classes described in section 5.1.2, having regard to any changes to the Low-Income Measures published by Statistics Canada, except that no such revision shall be effective before January 1, 2017.

## **5.2 Amount of OESP Rate Assistance**

5.2.1 Beginning January 1, 2016, consumers in the classes described in section 5.1 who have been approved by the CSP for OESP rate assistance are eligible for the following amounts of assistance:

1. Consumers in Class A are eligible for the same amount as is provided for by the Board for consumers described in Class A under section 9.1 of the Distribution System Code;

2. Consumers in Class B are eligible for the same amount as is provided for by the Board for consumers described in Class B under section 9.1 of the Distribution System Code;

3. Consumers in Class C are eligible for the same amount as is provided for by the Board for consumers described in Class C under section 9.1 of the Distribution System Code;

4. Consumers in Class D are eligible for the same amount as is provided for by the Board for consumers described in Class D under section 9.1 of the Distribution System Code;

5. Consumers in Class E are eligible for the same amount as is provided for by the Board for consumers described in Class E under section 9.1 of the Distribution System Code;

6. Consumers in Class F are eligible for the same amount as is provided for by the Board for consumers described in Class F under section 9.1 of the Distribution System Code;

7. Consumers in Class G are eligible for the same amount as is provided for by the Board for consumers described in Class G under section 9.1 of the Distribution System Code;

8. Consumers in Class H are eligible for the same amount as is provided for by the Board for consumers described in Class H under section 9.1 of the Distribution System Code; and

9. Consumers in Class I are eligible for the same amount as is provided for by the Board for consumers described in Class I under section 9.1 of the Distribution System Code.

### **5.3 Applying OESP Rate Assistance to the Bill**

5.3.1 Where a unit sub-meter provider receives notice from the CSP that a consumer is eligible for rate assistance under the OESP, the unit sub-meter provider shall as soon as reasonably practicable apply the rate assistance specified in the notice to the consumer's bill.

5.3.2 The unit sub-meter provider shall apply the OESP rate assistance on the consumer's bill for the eligibility period specified in the notice, unless a different eligibility period is specified by the CSP any time thereafter or the unit sub-meter provider issues a final bill to the consumer before the eligibility period has expired.

5.3.3 Where a unit sub-meter provider receives notice from the CSP that a consumer's eligibility for rate assistance under the OESP has been renewed or canceled, or that the amount of rate assistance for which the consumer is eligible has changed, the unit sub-meter provider shall implement the necessary changes to the consumer's bill as soon as reasonably practicable.

5.3.4 Where a unit sub-meter provider issues a bill covering less than a full billing period, the unit sub-meter provider may prorate the amount of the OESP rate assistance.

5.3.5 Where a unit sub-meter provider disconnects and issues a final bill to a consumer who is receiving OESP rate assistance and within two billing period reconnects the consumer, the unit sub-meter provider shall upon the reconnection apply the OESP rate assistance to the consumer's bill for the remainder of the eligibility period under section 5.3.2, if any.

5.3.6 Where the OESP rate assistance applied to a consumer's bill exceeds the amount owing on the bill, the unit sub-meter provider shall carry forward the credit to one or more subsequent bills, however the unit sub-meter provider shall not issue a refund of the credit to the consumer at any time including at the time the account is closed or transferred.

### **5.4 Billing Errors**

5.4.1 Where a unit sub-meter provider receives notice from the CSP of a correction to the amount of rate assistance that was specified in a notice under section 5.3.1, or where the unit sub-meter provider discovers that it has mistakenly applied an amount of rate assistance to a consumer's bill other than the amount specified in the notice under section 5.3.1, the unit sub-

*meter provider shall apply the corrected amount as soon as reasonably practicable, and shall identify the correction as a billing adjustment on the consumer's bill.*

*5.4.2 Where the corrected amount is greater than the amount that was specified in the notice under section 5.3.1, the unit sub-meter provider shall reimburse the consumer for any rate assistance owing, in accordance with sections 4.9.2, 4.9.3 and 4.9.4, as though the consumer had been over-billed.*

*5.4.3 Where the corrected amount is less than the amount that was specified in the notice under section 5.3.1, the unit sub-meter provider shall not be entitled to recoup any rate assistance that the consumer has already received, and for greater certainty the unit sub-meter provider shall not collect any such rate assistance as under-billed amounts under sections 4.9.6 and 4.9.7, without the approval of the Board.*

## **5.5 Technical and Administrative Requirements of the CSP**

*5.5.1 A unit sub-meter provider shall adhere to the technical and administrative requirements set out in the procedure issued by the CSP [on \_\_\_\_\_, 2015 and entitled "OESP Technical and Administrative Requirements for Distributors and Unit Sub-Meter Providers"], as it may be amended by the CSP from time to time, provided that no such amendment is effective until it is approved by the Board.*

## **5.6 Communications with Consumers**

*5.6.1 A unit sub-meter provider shall notify a consumer that the consumer's eligibility period for OESP rate assistance is expiring at least 60 days before the period expires, and shall include in the notice information about applying for a renewal of the eligibility period. If the unit sub-meter provider sends the notice by mail, the unit sub-meter provider shall not include the notice in the same envelope as a bill or any other documentation emanating from the unit sub-meter provider.*

*5.6.2 A unit sub-meter provider shall post on its website a link to the Board's OESP application portal.*

## **5.7 Settlement**

*5.7.1 For each calendar month in which a unit sub-meter provider applies any OESP rate assistance on consumer bills or collects any OESP-related charges, the unit sub-meter provider shall settle with the IESO no later than the 20th day of the following month.*

**Attachment C – Proposed Amendments to the Retail Settlement Code**

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

1. Section 1.2 of the Retail Settlement Code is amended as follows:
  - a. The definition of “eligible low-income customer” is replaced with the following:

*“eligible low-income customer” has the same meaning as in the Distribution System Code.*
  - b. The definition of “Emergency Financial Assistance” is deleted.
  - c. The definition of “Social Service Agency or Government Agency” is deleted.
2. Sections 1.3.2 and 1.3.3 of the Retail Settlement Code are deleted.

**Attachment D – Proposed Amendments to the Standard Supply Service Code for  
Electricity Distributors**

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

1. Section 1.2.1 of the Standard Supply Service Code is amended as follows:
  - a. The definition of “eligible low-income customer” is replaced with the following:

*“eligible low-income customer” has the same meaning as in the Distribution System Code.*
  - b. The definition of “Emergency Financial Assistance” is deleted.
  - c. The definition of “Social Service Agency or Government Agency” is deleted.
2. Sections 1.3.2 and 1.3.3 of the Standard Supply Service Code are deleted.
3. Paragraph 2.6.2B(f) of the Standard Supply Service Code is amended by replacing “where 2 or more years have passed since a residential customer was qualified as an eligible low-income customer” with *“where a residential customer ceases to qualify as an eligible low-income customer”*; the remainder of the paragraph remains the same.

**Attachment E – Proposed Amendments to the Gas Distribution Access Rule**

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

1. Section 1.2.1 of the Gas Distribution Access Rule is amended as follows:

a. The definition of “eligible low-income customer” is replaced with the following:

*“eligible low-income customer” has the same meaning as in the Distribution System Code.*

b. The definition of “Emergency Financial Assistance” is deleted.

c. The definition of “social service agency or government agency” is deleted.