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**BY E-MAIL AND WEB POSTING**

November 29, 2016

**To: All Licensed Electricity Retailers  
All Licensed Gas Marketers  
All Licensed Electricity Distributors  
All Natural Gas Distributors  
All Participants in Consultation Process EB-2014-0158 (Consultation on the Effectiveness of Part II of the *Energy Consumer Protection Act, 2010*) and EB-2015-0268 (Giving Effect to the OEB's Report on the Effectiveness of the *Energy Consumer Protection Act, 2010*)  
All Other Interested Parties**

**Re: Giving Effect to the OEB's Report on the Effectiveness of the *Energy Consumer Protection Act, 2010*  
Issuance of Revised Proposed Consumer Facing Materials  
OEB File No.: EB-2015-0268**

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The Ontario Energy Board (OEB) is inviting comment on the following revised proposed documents:

1. Tip Sheet
2. Dual Fuel Disclosure Statement
3. Four Price Comparison templates

#### **A. Background**

On October 30, 2015, the OEB issued a [Notice of Proposal](#) to solicit comment on a number of documents, including the following: a proposed revised disclosure statement (dual fuel version); proposed revised price comparison templates; and a new proposed "tip sheet" (collectively, Consumer Facing Materials) (October 30<sup>th</sup> Proposals). Proposed amendments to the Electricity Retailer Code of Conduct and the Code of Conduct for Gas Marketers relating to the use of these materials have been the subject of consultation that has proceeded in parallel with consultation on the Consumer Facing Materials themselves.<sup>1</sup>

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<sup>1</sup> See the OEB's October 5, 2015 [Notice of Proposal](#) and September 8, 2016 [Notice of Revised Proposal](#).

The OEB received written comments on the October 30<sup>th</sup> Proposals from 6 energy retailers. All of the written comments are available for viewing on the OEB's website at <http://www.ontarioenergyboard.ca/OEB/Industry/Regulatory+Proceedings/Policy+Initiatives+and+Consultations/ECPA+Report+Implementation>.

At the time of issuance of the October 30<sup>th</sup> Proposals, changes to the legislative framework governing electricity retailers and natural gas marketers (collectively, energy retailers) were pending. That legislative process has now been completed. Amendments to the *Energy Consumer Protection Act, 2010* (ECPA) will come into force on January 1, 2017, as will amendments to Ontario Regulation 389/10 (General) (ECPA Regulation).

## **B. Revised Proposals**

Since issuance of the October 30<sup>th</sup> Proposals, the OEB has worked to enhance the Consumer Facing Materials in terms of both content and format. In doing so, the OEB has considered the written comments received from energy retailers on the October 30<sup>th</sup> Proposals as well as comments received from the OEB's Consumer Panel. The Consumer Panel is comprised of a mix of residential and small business consumers from across the Province, and earlier iterations of the Consumer Facing Materials were brought to Consumer Panel meetings in Toronto, Kingston, Thunder Bay and Sudbury.

The OEB is proposing to move to a booklet format for all of the Consumer Facing Materials, to be printed double-sided to a single legal size page with one fold. The OEB is also proposing a number of other format enhancements that will make the Consumer Facing Materials easier to read and follow. Since most free PDF viewing software allows users to edit forms, the OEB will prepare an Adobe PDF version of the price comparisons for internet transactions. Energy retailers would be able to insert key pricing data directly onto the PDF and share the forms electronically. Versions of the materials will be reformatted for viewing online and ease of printing for consumers.

The content changes that are now also being proposed are intended to make the Consumer Facing Materials more useful for consumers. The OEB believes that the revised proposed Consumer Facing Materials achieve the OEB's objective of making these materials consumer-friendly, simpler and as short as possible, as set out in the OEB's [\*Consumers Come First\*](#) report to the Minister of Energy on the effectiveness of the ECPA.

### *1. Revised Proposed Tip Sheet*

As noted above, amendments to the Electricity Retailer Code of Conduct and the Code of Conduct for Gas Marketers to support use of the Tip Sheet have been the subject of separate consultation. Specifically, amendments to Part B of each of those Codes include a requirement for energy retailers to “provide and leave with the consumer such documents as may be approved by the OEB” if retailing to a low volume consumer at residential premises.

Energy retailers generally supported improved consumer education and energy literacy but indicated that they should not be required to take on this role solely and that the OEB bears some responsibility. They also submitted that adding a new document, beyond those that are already required, will contribute to consumer confusion and increase costs.

Members of the OEB’s Consumer Panel reacted favourably to the concept of the proposed Tip Sheet as an additional source of information when being visited by a salesperson, but indicated that there was more content than could easily be read and absorbed during their interaction with a salesperson at their home.

The OEB remains of the view that a Tip Sheet will be a useful tool for consumers when they are approached by an energy retailer’s salesperson for marketing purposes at home. The content of the Tip Sheet has been revised to better and more simply highlight key pieces of information, including what the consumer should expect if the consumer later decides to enter into an energy contract.

The OEB recognizes that the content of the Tip Sheet overlaps with the content of the Disclosure Statement. However, these documents are used at different points in time, and the Tip Sheet is only intended for residential consumers.

The revised proposed Tip Sheet is attached to this letter as Attachment A.

### *2. Revised Proposed Dual Fuel Disclosure Statement*

The ECPA Regulation requires that contracts be accompanied by a Disclosure Statement, and Disclosure Statements have been in use in Ontario since January 1, 2011. They provide basic information about energy contracts and some of the key energy consumer rights and responsibilities.

Energy retailers generally supported the OEB’s proposal to introduce a dual fuel version of the Disclosure Statement. However, some felt that the text could be

clarified to improve accuracy. Others preferred to reserve comment pending completion of the legislative process to amend the ECPA and the ECPA Regulation.

The Consumer Panel indicated a desire for more information about cancellation rights, next steps in the contracting process and clearer information about how to contact the OEB.

The comments from energy retailers and the Consumer Panel have been considered by the OEB in the development of the revised proposed Dual Fuel Disclosure Statement that is in Attachment B to this letter. Once the Dual Fuel Disclosure Statement has been finalized, the OEB will prepare single fuel and other versions as required.

### *3. Revised Proposed Price Comparison Templates*

The ECPA Regulation also requires that contracts be accompanied by a Price Comparison, and Price Comparisons have also been in use in Ontario since January 1, 2011. Relative to the existing Price Comparison templates approved by the OEB, a key enhancement in the October 30<sup>th</sup> Proposals was the introduction of a side-by-side table to facilitate line-by-line price comparisons.

Among the concerns raised by energy retailers in their comments was the presentation of the Global Adjustment in the side-by-side tables, which they considered was not as fairly portrayed as it could be. In addition, they called for greater prominence to be given to the fact that system supply prices are subject to regular change.

Members of the OEB's Consumer Panel acknowledged that they would tend to skip the introductory language that explains the purpose of, and instructions for using, the comparison table. They also had difficulty reconciling the three-line time-of-use price with a single line presented on the energy retailer's side of the table in the electricity Price Comparison template. Many also complained that the font was too small. Most appreciated the call out to the OEB's online bill calculator, which they felt would be a helpful tool.

The OEB has made a number of changes to the Price Comparison templates in response to input received from energy retailers and the Consumer Panel. The templates are larger, giving more space for explanations in larger font. The price comparison tables remain in the side-by-side format as originally proposed, but for the electricity Price Comparison template the three time-of-use bill lines have been rolled up to a single 'electricity' line for simplicity.

Revised proposed natural gas and electricity Price Comparison templates are in Attachments C through F to this letter. The natural gas versions are designed for a sub-set of rate-regulated natural gas utilities. Once these versions have been finalized, the OEB will prepare the necessary number of additional versions as required to meet the different circumstances that prevail in the natural gas sector, as is the case today. The OEB will also provide instructions for energy retailers to use when completing the Price Comparison templates.

### **C. Invitation to Comment**

All interested parties are invited to submit written comments on the revised proposed Tip Sheet, Dual Fuel Disclosure Statement and Price Comparison templates as set out in Attachments A to F to this letter, by end of business **December 6, 2016**, in accordance with the filing instructions set out in section D below.

### **D. Filing Instructions**

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, ON 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 OEB's web portal. If you do not have a user ID, please visit the "e-filings services" webpage on the OEB'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 OEB'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 OEB must be received by the Board Secretary by **4:45 p.m.** on the required date. They must quote file number **EB-2015-0268** 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 OEB's offices or placing the written comment on the OEB's website, the OEB 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 OEB's offices and will be placed on the OEB's website.

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

If you have any questions regarding the revised proposed Consumer Facing Materials described in this letter, please contact Lou Mustillo at [Lou.Mustillo@OntarioEnergyBoard.ca](mailto:Lou.Mustillo@OntarioEnergyBoard.ca) or at 416-544-5185. The OEB's toll free number is 1-888-632-6273.

**DATED November 29, 2016**

**ONTARIO ENERGY BOARD**

*Original signed by*

Kirsten Walli  
Board Secretary

Attachments: Attachment A: Revised Proposed Tip Sheet  
Attachment B: Revised Proposed Dual Fuel Disclosure Statement  
Attachment C: Revised Proposed Natural Gas Price Comparison  
Template for Non-residential Consumers  
Attachment D: Revised Proposed Natural Gas Price Comparison  
Template for Residential Consumers

Attachment E: Revised Proposed Electricity Price Comparison  
Template for Residential Consumers

Attachment F: Revised Proposed Electricity Price Comparison  
Template for Non-residential Consumers