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BY EMAIL AND WEB POSTING

NOTICE OF PROPOSAL TO AMEND CODES AND RULES

**PROPOSED AMENDMENTS TO
THE DISTRIBUTION SYSTEM CODE,
THE UNIT SUB-METERING CODE,
THE ELECTRICITY RETAILER CODE OF CONDUCT,
THE CODE OF CONDUCT FOR GAS MARKETERS AND
THE GAS DISTRIBUTION ACCESS RULE**

BOARD FILE NO.: EB-2016-0179

**To: All Licensed Electricity Distributors
All Natural Gas Distributors
All Licensed Unit Sub-Meter Providers
All Licensed Electricity Retailers
All Licensed Gas Marketers
All Other Interested Parties**

Date: July 22, 2016

The Ontario Energy Board (OEB) is giving notice under sections 70.2 and 45 of the *Ontario Energy Board Act, 1998*, of proposed amendments to the following OEB Codes and Rules to introduce new enforceable regulatory requirements relating to how natural gas and electricity distributors, unit sub-meter providers, electricity retailers and gas marketers (collectively, Regulated Entities) respond to consumer complaints forwarded by the OEB:

- Distribution System Code (DSC)
- Unit Sub-Metering Code (Sub-Metering Code)
- Electricity Retailer Code of Conduct (Retailer Code)
- Code of Conduct for Gas Marketers (Marketer Code)
- Gas Distribution Access Rule (GDAR)

A. Background

The OEB has long considered the relationship that energy service providers have with their customers to be an extremely valuable customer service measure. The OEB expects that, when a Regulated Entity receives a complaint directly from a consumer, the Regulated Entity will diligently investigate the matter on a timely basis and make all reasonable efforts to attempt to resolve the complaint. The OEB further expects that complaints that relate to a matter that may have an unduly adverse impact on the complaining consumer or on consumers more generally – such as disconnection and egregious agent conduct – will be investigated in a particularly expeditious manner.

However, there are instances where the consumer and Regulated Entity are not able to resolve their dispute. In these situations, the Regulated Entity shall direct the consumer to the OEB for further review of the issue.

The OEB currently has a process in place for dealing with consumer complaints received by the OEB regarding the business practices or conduct of Regulated Entities. The process includes steps that a Regulated Entity is expected to follow when responding to a complaint that is forwarded to it by the OEB. However, the process is not currently a mandatory one.

Input from consumers indicates that they want an easy, accessible and risk-free way to make a complaint to their energy provider. An e-mail account with automatic replies is not a sufficient level of service. Consumers also want an easy and accessible way to bring unresolved issues to the OEB, and have identified a need for the OEB's role in complaint handling to be brought to the attention of consumers.

The OEB believes that codifying a mandatory and binding complaint response process that can be enforced through the OEB's compliance process will best ensure that consumer complaints are handled in a consistent and timely manner and that there is consistency and equality of treatment of consumers regardless of location or service provider. This approach will improve service for consumers

and also promote a more consumer-focused emphasis amongst Regulated Entities.

The OEB is therefore proposing to amend the above-noted Rules and Codes to require Regulated Entities to adhere to a number of requirements regarding how they respond to consumer complaints forwarded by the OEB. Except as required by wording unique to each Rule or Code the proposed amendments are the same for all of the Rules and Codes. Regulatory requirements that relate to the response to consumer complaints that are forwarded to a Regulated Entity by the OEB and that are already in place today are generally being replaced.

The proposed amendments are summarized below and set out in full in the Attachments to this Notice as follows:

Attachment A – proposed amendments to the DSC

Attachment B – proposed amendments to the Sub-Metering Code

Attachment C – proposed amendments to the Retailer Code

Attachment D – proposed amendments to the Marketer Code

Attachment E – proposed amendments to the GDAR

B. Summary of Proposed Amendments

The proposed amendments generally build on current practice and reflect OEB expectations in this area.

On December 3 2014, the OEB issued a Bulletin providing a definition of what constitutes a “complaint” in relation to reporting and record keeping requirements for retailers and marketers.

For the purposes of this complaint response process, the OEB proposes to build on the direction of that Bulletin and define a “complaint” as an expression of dissatisfaction by a consumer about a Regulated Entity on a matter that is within the OEB’s jurisdiction.

The OEB also notes that various Codes and Rules contain provisions on how Regulated Entities should respond to complaints under certain circumstances that are received directly from the consumer. These proposed requirements for the consumer complaint response process will not supersede the existing requirements. The consumer complaint response process is meant to only apply

to complaints that are received by the OEB from a consumer and then forwarded to the Regulated Entity by the OEB for response.

While the focus of the proposed amendments is on the responding to complaints forwarded to a Regulated Entity by the OEB, the proposed amendments do require each Regulated Entity to provide a complaining consumer with contact information for the OEB and to explain that the consumer may contact the OEB at any time. Until further notice, the contact information to be provided are the OEB's consumer contact points including the toll-free telephone number 1-877-632-2727, the local number 416-314-2455 and the OEB's consumer website address (<http://www.ontarioenergyboard.ca/OEB/Consumers>). This will ensure that consumers that make a complaint directly to a Regulated Entity know that they may turn to the OEB for assistance in relation to their complaints.

With respect to complaints that are forwarded to a Regulated Entity by the OEB, the proposed amendments would require that the Regulated Entity provide a response within the following timelines:

- (a) 2 business days, where the complaint relates to disconnection, an allegation of egregious agent conduct or any other matter that in the circumstances can have an unduly adverse impact on the consumer or consumers more generally (where applicable); or
- (b) 10 business days, in any other case. .

New or revised definitions of "business day" and rules relating to the computation of time are also being proposed to support the above.

The proposed 10-day timeline is shorter than the current expectation of 21 calendar days. However, in most cases a Regulated Entity will have had prior knowledge of a customer's complaint before the complaint is escalated to the OEB by the customer and forwarded by the OEB to the Regulated Entity for follow-up. Moreover, consumers deserve a more timely response to their complaints than is presently often the case. The proposed 2-day timeline for complaints associated with higher consumer impact issues is reflective of the standard that is currently being applied as a matter of practice.

The more information the OEB has at its disposal, the more effective it can be in ensuring that a complaint is handled in a manner that is transparent and reasonable for all parties. The OEB is therefore proposing that:

- (a) a Regulated Entity's response to the OEB include certain prescribed information; and
- (b) a Regulated Entity provides a response to any follow-up questions from the OEB within 2 business days.

The OEB recognizes that some complaints can be complex, or that other complicating factors may be at play for a Regulated Entity. The proposed amendments therefore allow a Regulated Entity to request an extension to any of the deadlines set out above in exceptional circumstances.

During consultations with Regulated Entities regarding the proposed complaint response process, there was a request that the OEB introduce a step where it would inform regulated entities when OEB staff deems the complaint response process has been completed from the OEB staff's point of view. It is the OEB's intention to develop a Handbook that will provide direction on a number of matters relating to this complaint response process. One of those issues will be the process for informing Regulated Entities when OEB staff deems the complaint response process to be completed.

To ensure that there are clear communication paths between the OEB and a Regulated Entity, the OEB is proposing that each Regulated Entity provide the OEB staff designated to manage consumer issues with dedicated points of contact, including an e-mail address that is monitored at all times during business hours. The OEB is also proposing that Regulated Entities communicate through the OEB's complaint e-portal in relation to complaints that have been forwarded to them by the OEB. All of these proposals are based on processes already in place on an informal basis.

C. Anticipated Costs and Benefits

The proposed amendments build on the consumer complaint response procedures that are currently in place, and the OEB therefore anticipates that they can be implemented readily and without material incremental cost to Regulated Entities. The OEB believes that an updated, timely and binding process for responding to consumer complaints forwarded to a Regulated Entity by the OEB will provide benefits to consumers in the form of more timely resolution of their complaints, improved service and enhanced consistency of treatment, and will more generally promote a more consumer-focused culture amongst Regulated Entities. The OEB expects that the consumer benefits of the

proposed amendments will outweigh any implementation costs.

D. Cost Awards

The OEB will not be granting cost awards in this matter.

E. Coming into Force

The OEB proposes that the proposed amendments to the DSC, the Sub-Metering Code, the Retailer Code, the Marketer Code and the GDAR as set out in Attachments A, B, C, D and E, respectively, come into force six months after the date that the OEB publishes the amendments by placing them on the OEB's website after they have been made by the OEB.

F. Invitation to Comment

All interested parties are invited to submit written comments on the proposed amendments as set out in Attachments A, B, C, D and E **by August 19, 2016**.

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

www.errr.ontarioenergyboard.ca. 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, 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**.

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-2016-0179** 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 Notice, including the proposed amendments set out in the Attachments, and all written comments received by the OEB in response to this Notice will be available for public viewing on the OEB's web site at www.ontarioenergyboard.ca and at the office of the OEB during normal business hours.

If you have any questions regarding the proposed amendments described in this Notice, please contact industryrelations@ontarioenergyboard.ca.

DATED at Toronto, July 22, 2016

ONTARIO ENERGY BOARD

Original Signed by

Kirsten Walli
Board Secretary

Attachments: Attachment A - Proposed Amendments to the DSC
Attachment B - Proposed Amendments to the Sub-Metering Code
Attachment C - Proposed Amendments to the Retailer Code
Attachment D - Proposed Amendments to the Marketer Code
Attachment E - Proposed Amendments to the GDAR

Attachment A

Proposed Amendments to the Distribution System Code

July 22, 2016

EB-2016-0179

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

1. Section 1.2 of the Distribution System Code is amended by deleting the definition of “business day” and replacing it with the following:

“business day” means any day other than a Saturday or a holiday;

2. Section 1.2 of the Distribution System Code is amended by deleting the definition of “holiday” and replacing it with the following:

“holiday” has the meaning given to it in section 87 of the Legislation Act, 2006;

3. Section 2.6.7 of the Distribution System Code is amended by deleting the sentence that reads “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*”.

4. The Distribution System Code is amended adding the following section:

10 Consumer Complaint Response Process

10.1 *In this section 10:*

“complaint” means an expression of dissatisfaction by a consumer about a distributor on a matter that is within the Board's jurisdiction;

“Consumer Complaint Response Process” means the

requirements set out in this section 10;

“Designated OEB Staff” means the employee of the Board that has been designated by the Board as the employee responsible for managing the Consumer Complaint Response Process; and

“OEB Complaint E-Portal” means the Board’s electronic communication tool used to communicate with a distributor for the purposes of the Consumer Complaint Response Process, and includes such other means of communication as may be designated by the Designated OEB Staff if the OEB Complaint E-Portal is not available.

- 10.2 *When a consumer contacts a distributor and makes a complaint, the distributor shall inform the consumer that the consumer can contact the OEB at any time, and shall at the same time provide the consumer with the OEB’s designated toll-free telephone number or local telephone number (as requested by the consumer), and the web site address designated by the OEB for that purpose.*
- 10.3 *A distributor shall, within 5 business days of the coming into force of this section, provide the Designated OEB Staff with an e-mail address for the purposes of the Consumer Complaint Response Process. The distributor shall ensure that the e-mail address is monitored at all times during the distributor’s regular business hours.*
- 10.4 *A distributor shall, within 5 business days of the coming into force of this section, provide the Designated OEB Staff with the following information the name, title, direct telephone number, direct e-mail address, and mailing address of:*
- (a) the person designated by the distributor as the distributor’s contact person for purposes of the Consumer Complaint Response Process; and*
 - (b) the person that the person in paragraph (a) reports to.*

- 10.5 *If any of the information required under section 10.3 or 10.4 changes, the distributor shall provide the Designated OEB Staff with updated information as soon as possible upon becoming aware of the change and in any event no later than 5 business days of the change taking effect.*
- 10.6 *Where a complaint is forwarded to a distributor through the OEB E-Portal, the distributor shall provide, through the OEB Complaint E-Portal, a response to the complaint that meets the requirements of section 10.7 within:*
- (a) 2 business days of the date of receipt of the complaint, where the complaint relates to the disconnection of a consumer's property or to any other matter that the Designated OEB Staff has, when forwarding the complaint, designated as a having an unduly adverse impact on the consumer or consumers more generally (where applicable);; and*
 - (b) 10 business days of receipt of the complaint in all other cases.*
- 10.7 *The distributor's response referred to in section 10.6 must include the following:*
- (a) all pertinent information regarding the complaint, including any relevant background information;*
 - (b) the steps taken by the distributor to investigate the complaint;*
 - (c) the steps taken by the distributor to resolve the complaint;*
 - (d) any other information that is reasonably necessary to enable a good understanding of the circumstances surrounding the complaint;*
 - (e) if the complaint has not been resolved to the satisfaction of the consumer, the reasons why the complaint remains unresolved;*

(f) if the complaint has been resolved to the satisfaction of the consumer, the resolution agreed to between the consumer and the distributor and, if any further steps are required to completely implement the resolution, a timeline for when those steps will be completed; and

(g) a copy of all relevant documents and communications between the consumer and the distributor in relation to the complaint.

10.8 Within 2 business days of being requested to do so, a distributor shall provide, through the OEB Complaint E-Portal, such additional information beyond the information required by section 10.7 regarding the distributor's handling of a complaint as may reasonably be required by or on behalf of the Designated OEB Staff in order to review and assess the matter.

10.9 Where section 10.7(f) applies and the steps for implementing the resolution were not all completed at the time the distributor provides its response under section 10.6, the distributor shall confirm through the OEB Complaint E-Portal once each outstanding step has been completed. Such confirmation shall be provided as soon as possible, but in no event later than 5 business days of the date on which the step is completed.

10.10 If, in exceptional circumstances, a distributor cannot provide the response required by section 10.6 or 10.8 within the applicable timeframe, the distributor may request a time extension. The time extension request shall be made through the OEB Complaint E-Portal at least one day prior to the expiry of the applicable deadline, and shall include the following:

(a) the length of the extension requested; and

(b) the circumstances justifying the need for an extension.

10.11 The Designated OEB Staff shall determine whether or not to grant the extension, for the entire time requested or such shorter time as the Designated OEB Staff considers reasonable in the circumstances, and shall so notify the distributor through the

OEB Complaint E-Portal together with reasons for the determination.

10.12 *For the purposes of the Consumer Complaint Response Process, the following rules apply in relation 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; and

(b) where an act occurs after 5:00 p.m., it shall be deemed to have occurred on the next business day.

Attachment B

**Proposed Amendments to the
Unit Sub-Metering Code**

July 22, 2016

EB-2016-0179

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

1. Section 1.2 of the Unit Sub-Metering Code is amended by deleting the definition of “business day” and replacing it with the following:

“business day” means any day other than a Saturday or a holiday within the meaning of section 87 of the Legislation Act, 2006;

2. Section 3.3.3 of the Unit Sub-Metering Code is amended by deleting the last sentence and replacing it with the following:

The unit sub-meter provider shall also inform the consumer that the consumer can contact the OEB at any time, and shall at the same time provide the consumer with either the OEB’s designated toll-free telephone number or local telephone number (as requested by the consumer), and the web site address designated by the OEB for that purpose.

3. The Unit Sub-Metering Code is amended by deleting section 3.3.4 and replacing it with the following:

3.3.4 In this section 3.3.4 and sections 3.3.5 to 3.3.14:

“Complaint” means an expression of dissatisfaction by a consumer about a unit sub-meter provider on a matter that is within the Board’s jurisdiction;

“Consumer Complaint Response Process” means the requirements set out in sections 3.3.5 to 3.3.14;

“Designated OEB Staff” means the employee of the Board that

has been designated by the Board as the employee responsible for managing the Consumer Complaint Response Process; and

“OEB Complaint E - Portal” means the Board’s electronic communication tool used to communicate with a unit sub-meter provider for the purposes of the Consumer Complaint Response Process and includes such other means of communication as may be designated by the Designated OEB Staff if the OEB Complaint E-Portal is not available.

- 3.3.5 A unit sub-meter provider shall, within 5 business days of the coming into force of this section, provide the Designated OEB Staff with an e-mail address for the purposes of the Consumer Complaint Response Process. The unit sub-meter provider shall ensure that the e-mail address is monitored at all times during the unit sub-meter provider’s regular business hours.*
- 3.3.6 A unit sub-meter provider shall, within 5 business days of the coming into force of this section, provide the Designated OEB Staff with the following information the name, title, direct telephone number, direct e-mail address, and mailing address of:*
- (a) the person designated by the unit sub-meter provider as the unit sub-meter provider’s contact person for purposes of the Consumer Complaint Response Process; and*
 - (b) the person that the person in paragraph (a) reports to.*
- 3.3.7 If any of the information required under section 3.3.5 or 3.3.6 changes, the unit sub-meter provider shall provide the Designated OEB Staff with updated information as soon as possible upon becoming aware of the change and in any event no later than 5 business days of the change taking effect.*
- 3.3.8 Where a complaint is forwarded to a unit sub-meter provider through the OEB E-Portal, the unit sub-meter provider shall provide, through the OEB Complaint E-Portal, a response to the complaint that meets the requirements of section 3.3.9 within:*

- (a) *2 business days of the date of receipt of the complaint, where the complaint relates to the disconnection of the a consumer's property or to any other matter that the Designated OEB Staff has, when forwarding the complaint, designated as having an unduly adverse impact on the consumer or consumers more generally (where applicable);; and*
- (b) *10 business days of receipt of the complaint in all other cases*

3.3.9 *The unit sub-meter provider's response referred to in section 3.3.8 must include the following:*

- (a) *all pertinent information regarding the complaint, including any relevant background information;*
- (b) *the steps taken by the unit sub-meter provider to investigate the complaint;*
- (c) *the steps taken by the unit sub-meter provider to resolve the complaint;*
- (d) *any other information that is reasonably necessary to enable a good understanding of the circumstances surrounding the complaint;*
- (e) *if the complaint has not been resolved to the satisfaction of the consumer, the reasons why the complaint remains unresolved;*
- (f) *if the complaint has been resolved to the satisfaction of the consumer, the resolution agreed to between the consumer and the unit sub-meter provider and, if any further steps are required to completely implement the resolution, a timeline for when those steps will be completed; and*
- (g) *a copy of all relevant documents and communications between the consumer and the unit sub-meter provider in relation to the complaint.*

- 3.3.10 *Within 2 business days of being requested to do so, a unit sub-meter provider shall provide, through the OEB Complaint E-Portal, such additional information beyond the information required by section 3.3.9 regarding the unit sub-meter provider's handling of a complaint as may reasonably be required by or on behalf of the Designated OEB Staff in order to review and assess the matter.*
- 3.3.11 *Where section 3.3.9(f) applies and the steps for implementing the resolution were not all completed at the time the unit sub-meter provider provides its response under section 3.3.9, the unit sub-meter provider shall confirm through the OEB Complaint E-Portal once each outstanding step has been completed. Such confirmation shall be provided as soon as possible, but in no event later than 5 business days of the date on which the step is completed.*
- 3.3.12 *If, in exceptional circumstances, a unit sub-meter provider cannot provide the response required by section 3.3.9 or 3.3.10 within the applicable timeframe, the unit sub-meter provider may request a time extension. The time extension request shall be made through the OEB Complaint E-Portal at least one day prior to the expiry of the applicable deadline, and shall include the following:*
- (c) the length of the extension requested; and*
 - (d) the circumstances justifying the need for an extension.*
- 3.3.13 *The Designated OEB Staff shall determine whether or not to grant the extension, for the entire time requested or such shorter time as the Designated OEB Staff considers reasonable in the circumstances and shall so notify the unit sub-meter provider through the OEB Complaint E-Portal together with reasons for the determination.*
- 3.3.14 *For the purposes of the Consumer Complaint Response Process, the following rules apply in relation 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 an act occurs after 5:00pm, it shall be deemed to have occurred on the next business day.

3. Section 4.5.11 of the Unit Sub-Metering Code is amended by deleting the sentence that reads “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*”.

Attachment C

**Proposed Amendments to the
Electricity Retailer Code of Conduct**

July 22, 2016

EB-2016-0179

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

1. Section 1.2 of the Electricity Retailer Code of Conduct is amended by adding the following immediately after the definition of "Board":

"business day" means any day other than a Saturday or a holiday within the meaning of section 87 of the Legislation Act, 2006;

2. Section 7.2 of the Electricity Retailer Code of Conduct is amended by deleting the last sentence of that section and replacing it with the following:

The retailer shall also inform the low-volume consumer that the consumer can contact the Board at any time, and shall at the same time provide the consumer with either the OEB's designated toll-free telephone number or local telephone number (as requested by the consumer), and the web site address designated by the OEB for that purpose.

3. Section 7 of the Electricity Retailer Code of Conduct is amended by deleting section 7.3 and replacing it with the following:

7.3 For the purposes of this section 7.3 and sections 7.3A to 7.3J:

"Complaint" means an expression of dissatisfaction by a consumer about a retailer on a matter that is within the Board's jurisdiction;

"Consumer Complaint Response Process" means the

requirements set out in sections 7.3 to 7.3J;

“Designated OEB Staff” means the employee of the Board that has been designated by the Board as the employee responsible for managing the Consumer Complaint Response Process; and

“OEB Complaint E - Portal” means the Board’s electronic communication tool used to communicate with a retailer for the purposes of the Consumer Complaint Response Process and includes such other means of communication as may be designated by the Designated OEB Staff if the OEB Complaint E-Portal is not available.

7.3A A retailer shall, within 5 business days of the coming into force of this section, provide the Designated OEB Staff with an e-mail address for the purposes of the Consumer Complaint Response Process. The retailer shall ensure that the e-mail address is monitored at all times during the retailer’s regular business hours.

7.3B A retailer shall, within 5 business days of the coming into force of this section, provide the Designated OEB Staff with the following information the name, title, direct telephone number, direct e-mail address, and mailing address of:

(a) the person designated by the retailer as the unit sub-meter provider’s contact person for purposes of the Consumer Complaint Response Process; and

(b) the person that the person in paragraph (a) reports to.

7.3C If any of the information required under section 7.3A or 7.3B changes, the retailer shall provide the Designated OEB Staff with updated information as soon as possible upon becoming aware of the change and in any event no later than 5 business days of the change taking effect.

7.3D Where a complaint is forwarded to a retailer through the OEB E-Portal, the retailer shall provide, through the OEB Complaint E-

Portal, a response to the complaint that meets the requirements of section 7.3E within:

- (a) 2 business days of the date of receipt of the complaint, where the complaint relates to egregious conduct by a salesperson or verification representative or to any other matter that the Designated OEB Staff has, when forwarding the complaint, designated as having an unduly adverse impact on the consumer or consumers more generally (where applicable);; and*
- (b) 10 business days of receipt of the complaint in all other cases*

7.3E The retailer's response referred to in section 7.3D must include the following:

- (a) all pertinent information regarding the complaint, including any relevant background information;*
- (b) the steps taken by the retailer to investigate the complaint;*
- (c) the steps taken by the retailer to resolve the complaint;*
- (d) any other information that is reasonably necessary to enable a good understanding of the circumstances surrounding the complaint;*
- (e) if the complaint has not been resolved to the satisfaction of the consumer, the reasons why the complaint remains unresolved;*
- (f) if the complaint has been resolved to the satisfaction of the consumer, the resolution agreed to between the consumer and the retailer and, if any further steps are required to completely implement the resolution, a timeline for when those steps will be completed; and*

(g) a copy of all relevant documents and communications between the consumer and the retailer in relation to the complaint.

7.3F Within 2 business days of being requested to do so, a retailer shall provide, through the OEB Complaint E-Portal, such additional information beyond the information required by section 7.3E regarding the retailer handling of a complaint as may reasonably be required by or on behalf of the Designated OEB Staff in order to review and assess the matter.

7.3G Where section 7.3E(f) applies and the steps for implementing the resolution were not all completed at the time the retailer provides its response under section 7.E, the retailer shall confirm through the OEB Complaint E-Portal once each outstanding step has been completed. Such confirmation shall be provided as soon as possible, but in no event later than 5 business days of the date on which the step is completed.

7.3H If, in exceptional circumstances, a retailer cannot provide the response required by section 7.3E or 7.3F within the applicable timeframe, the retailer may request a time extension. The time extension request shall be made through the OEB Complaint E-Portal at least one day prior to the expiry of the applicable deadline, and shall include the following:

(a) the length of the extension requested; and

(b) the circumstances justifying the need for an extension.

7.3I The Designated OEB Staff shall determine whether or not to grant the extension, for the entire time requested or such shorter time as the Designated OEB Staff considers reasonable in the circumstances and shall so notify the retailer through the OEB Complaint E-Portal together with reasons for the determination.

7.3J For the purposes of the Consumer Complaint Response Process, the following rules apply in relation 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 an act occurs after 5:00pm, it shall be deemed to have occurred on the next business day.

4. Item A of section 8 of the form of Certificate of Compliance set out in Appendix A to the Electricity Retailer Code of Conduct is amended by adding the following at the end of that item:

and, where applicable, in accordance with the Consumer Complaint Response Process set out in Board's Electricity Retailer Code of Conduct

5. Item B of section section 8 of the form of Certificate of Compliance set out in Appendix A to the Electricity Retailer Code of Conduct is amended by adding the following after the words "on a timely basis":

, and where applicable in accordance with the Consumer Complaint Response Process set out in Board's Electricity Retailer Code of Conduct,

6. Item A of section 16 of the form of Certificate of Compliance set out in Appendix A to the Electricity Retailer Code of Conduct is amended by adding the following at the end of that item:

and, where applicable, in accordance with the Consumer Complaint Response Process set out in Board's Electricity Retailer Code of Conduct

7. Item B of section 16 of the form of Certificate of Compliance set out in Appendix A to the Electricity Retailer Code of Conduct is amended by adding the following after the words "on a timely basis":

, and where applicable in accordance with the Consumer Complaint Response Process set out in Board's Electricity Retailer Code of Conduct,

Attachment D

**Proposed Amendments to the
Code of Conduct for Gas Marketers**

July 22, 2016

EB-2016-0179

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

1. Section 1.2 of the Code of Conduct for Gas Marketers is amended by adding the following immediately after the definition of "Board":

"business day" means any day other than a Saturday or a holiday within the meaning of section 87 of the Legislation Act, 2006;

2. Section 7.2 of the Code of Conduct for Gas Marketers is amended by deleting the last sentence of that section and replacing it with the following:

The gas marketer shall also inform the low-volume consumer that the consumer can contact the OEB at any time, and shall at the same time provide the consumer with either the OEB's designated toll-free telephone number or local telephone number (as requested by the consumer), and the web site address designated by the OEB for that purpose.

1. Section 7 of the Code of Conduct for Gas Marketers is amended by deleting section 7.3 and replacing it with the following:

7.3 For the purposes of this section 7.0:

"Complaint" means an expression of dissatisfaction by a consumer about a gas marketer on a matter that is within the Board's jurisdiction;

"Consumer Complaint Response Process" means the requirements set out in this section 7.3 to 7.3J;

“Designated OEB Staff” means the employee of the Board that has been designated by the Board as the employee responsible for managing the Consumer Complaint Response Process; and

“OEB Complaint E - Portal” means the Board’s electronic communication tool used to communicate with a gas marketer for the purposes of the Consumer Complaint Response Process and includes such other means of communication as may be designated by the Designated OEB Staff if the OEB Complaint E-Portal is not available.

7.3 *For the purposes of this section 7.3 and sections 7.3A to 7.3J:*

“Complaint” means an expression of dissatisfaction by a consumer about a gas marketer on a matter that is within the Board’s jurisdiction;

“Consumer Complaint Response Process” means the requirements set out in sections 7.3 to 7.3J;

“Designated OEB Staff” means the employee of the Board that has been designated by the Board as the employee responsible for managing the Consumer Complaint Response Process; and

“OEB Complaint E - Portal” means the Board’s electronic communication tool used to communicate with a gas marketer for the purposes of the Consumer Complaint Response Process and includes such other means of communication as may be designated by the Designated OEB Staff if the OEB Complaint E-Portal is not available.

7.3A *A gas marketer shall, within 5 business days of the coming into force of this section, provide the Designated OEB Staff with an e-mail address for the purposes of the Consumer Complaint Response Process. The gas marketer shall ensure that the e-mail address is monitored at all times during the gas marketer’s regular business hours.*

- 7.3B *A gas marketer shall, within 5 business days of the coming into force of this section, provide the Designated OEB Staff with the following information the name, title, direct telephone number, direct e-mail address, and mailing address of:*
- (a) the person designated by the gas marketer as the unit sub-meter provider's contact person for purposes of the Consumer Complaint Response Process; and*
 - (b) the person that the person in paragraph (a) reports to.*
- 7.3C *If any of the information required under section 7.3A or 7.3B changes, the gas marketer shall provide the Designated OEB Staff with updated information as soon as possible upon becoming aware of the change and in any event no later than 5 business days of the change taking effect.*
- 7.3D *Where a complaint is forwarded to a gas marketer through the OEB E-Portal, the gas marketer shall provide, through the OEB Complaint E-Portal, a response to the complaint that meets the requirements of section 7.3E within:*
- (a) 2 business days of the date of receipt of the complaint, where the complaint relates to egregious conduct by a salesperson or verification representative or to any other matter that the Designated OEB Staff has, when forwarding the complaint, designated as having an unduly adverse impact on the consumer or consumers more generally (where applicable);; and*
 - (b) 10 business days of receipt of the complaint in all other cases*
- 7.3E *The gas marketer's response referred to in section 7.3D must include the following:*
- (a) all pertinent information regarding the complaint, including any relevant background information;*

- (b) the steps taken by the gas marketer to investigate the complaint;*
- (c) the steps taken by the gas marketer to resolve the complaint;*
- (d) any other information that is reasonably necessary to enable a good understanding of the circumstances surrounding the complaint;*
- (e) if the complaint has not been resolved to the satisfaction of the consumer, the reasons why the complaint remains unresolved;*
- (f) if the complaint has been resolved to the satisfaction of the consumer, the resolution agreed to between the consumer and the gas marketer and, if any further steps are required to completely implement the resolution, a timeline for when those steps will be completed; and*
- (g) a copy of all relevant documents and communications between the consumer and the gas marketer in relation to the complaint.*

7.3F Within 2 business days of being requested to do so, a gas marketer shall provide, through the OEB Complaint E-Portal, such additional information beyond the information required by section 7.3E regarding the gas marketer handling of a complaint as may reasonably be required by or on behalf of the Designated OEB Staff in order to review and assess the matter.

7.3G Where section 7.3E(f) applies and the steps for implementing the resolution were not all completed at the time the gas marketer provides its response under section 7.E, the gas marketer shall confirm through the OEB Complaint E-Portal once each outstanding step has been completed. Such confirmation shall be provided as soon as possible, but in no event later than 5 business days of the date on which the step is completed.

7.3H If, in exceptional circumstances, a gas marketer cannot provide the response required by section 7.3E or 7.3F within the

applicable timeframe, the gas marketer may request a time extension. The time extension request shall be made through the OEB Complaint E-Portal at least one day prior to the expiry of the applicable deadline, and shall include the following:

(a) the length of the extension requested; and

(b) the circumstances justifying the need for an extension.

7.3I The Designated OEB Staff shall determine whether or not to grant the extension, for the entire time requested or such shorter time as the Designated OEB Staff considers reasonable in the circumstances and shall so notify the gas marketer through the OEB Complaint E-Portal together with reasons for the determination.

7.3J For the purposes of the Consumer Complaint Response Process, the following rules apply in relation 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 an act occurs after 5:00pm, it shall be deemed to have occurred on the next business day.

4. Item A of section 8 of the form of Certificate of Compliance set out in Appendix A to the Code of Conduct for Gas Marketers is amended by adding the following at the end of that item:

and, where applicable, in accordance with the Consumer Complaint Response Process set out in Board's Code of Conduct for Gas Marketers

5. Item B of section 8 of the form of Certificate of Compliance set out in Appendix A to the Code of Conduct for Gas Marketers is amended by adding the following after the words "on a timely basis":

, and where applicable in accordance with the Consumer Complaint Response Process set out in Code of Conduct for Gas Marketers,

6. Item A of section 16 of the form of Certificate of Compliance set out in Appendix A to the Code of Conduct for Gas Marketers is amended by adding the following at the end of that item:

and, where applicable, in accordance with the Consumer Complaint Response Process set out in Board's Code of Conduct for Gas Marketers

7. Item B of section 16 of the form of Certificate of Compliance set out in Appendix A to the Code of Conduct for Gas Marketers is amended by adding the following after the words "on a timely basis":

, and where applicable in accordance with the Consumer Complaint Response Process set out in Board's Code of Conduct for Gas Marketers,

Attachment E

Proposed Amendments to the Gas Distribution Access Rule

July 22, 2016

EB-2016-0179

Note: The text of the 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 by adding the following immediately after the definition of “Act”:

“Board” means the Ontario Energy Board;

“business day” means any day other than a Saturday or a holiday within the meaning of section 87 of the Legislation Act, 2006;

2. The Gas Distribution Access Rule is amended by deleting section 8.4.2.
3. The Gas Distribution Access Rule is amended by adding the following section:

9 Consumer Complaint Response Process

9.1 *In this section 9:*

“Complaint” means an expression of dissatisfaction by a consumer about a gas distributor on a matter that is within the Board’s jurisdiction;

“Consumer Complaint Response Process” means the requirements set out in this section 9;

“Designated OEB Staff” means the employee of the Board that has been designated by the Board as the employee responsible for managing the Consumer Complaint Response Process; and

“OEB Complaint E - Portal” means the Board’s electronic communication tool used to communicate with a gas distributor for the purposes of the Consumer Complaint Response Process and includes such other means of communication as may be designated by the Designated OEB Staff if the OEB Complaint E-Portal is not available.

- 9.2 *When a consumer contacts the gas distributor and makes a complaint, the gas distributor shall inform the consumer that the consumer can contact the Board at any time, and shall at the same time provide the consumer with either the OEB’s designated toll-free telephone number or local telephone number (as requested by the consumer), and the web site address designated by the Board for that purpose.*
- 9.3 *A gas distributor shall, within 5 days of the coming into force of this section, provide the Designated OEB Staff with an e-mail address for the purposes of the Consumer Complaint Response Process. The gas distributor shall ensure that the e-mail address is monitored at all times during the gas distributor’s regular business hours.*
- 9.4 *A gas distributor shall, within 5 days of the coming into force of this section, provide the Designated OEB Staff with the following information the name, title, direct telephone number, direct e-mail address, and mailing address of:*
- (a) the person designated by the gas distributor as the gas distributor’s contact person for purposes of the Consumer Complaint Response Process; and*
 - (b) the person that the person in paragraph (a) reports to.*
- 9.5 *If any of the information required under section 9.3 or 9.4 changes, the gas distributor shall provide the Designated OEB Staff with updated information as soon as possible upon becoming aware of the change and in any event no later than 5 days of the change taking effect.*

9.6 *Where a complaint is forwarded to a gas distributor through the OEB E-Portal, the gas distributor shall provide, through the OEB Complaint E-Portal, a response to the complaint that meets the requirements of section 9.7 within:*

(a) 2 business days of the date of receipt of the complaint, where the complaint relates to egregious conduct by a salesperson or verification representative or to any other matter that the Designated OEB Staff has, when forwarding the complaint, designated as having an unduly adverse impact on the consumer or consumers more generally (where applicable);; and

(c) within 10 business days of receipt of the complaint in all other cases

9.7 *The gas distributor's response referred to in section 9.6 must include the following:*

(a) all pertinent information regarding the complaint, including any relevant background information;

(b) the steps taken by the gas distributor to investigate the complaint;

(c) the steps taken by the gas distributor to resolve the complaint;

(d) any other information that is reasonably necessary to enable a good understanding of the circumstances surrounding the complaint;

(e) if the complaint has not been resolved to the satisfaction of the consumer, the reasons why the complaint remains unresolved;

(f) if the complaint has been resolved to the satisfaction of the consumer, the resolution agreed to between the consumer and the gas distributor and, if any further steps are required to

completely implement the resolution, a timeline for when those steps will be completed; and

(g) a copy of all relevant documents and communications between the consumer and the gas distributor in relation to the complaint.

9.8 *Within 2 business days of being requested to do so, a gas distributor shall provide, through the OEB Complaint E-Portal, such additional information beyond the information required by section 9.7 regarding the gas distributor's handling of a complaint as may reasonably be required by or on behalf of the Designated OEB Staff in order to review and assess the matter.*

9.9 *Where section 9.6(f) applies and the steps for implementing the resolution were not all completed at the time the gas distributor provides its response under section 9.6, the gas distributor shall confirm through the OEB Complaint E-Portal once each outstanding step has been completed. Such confirmation shall be provided as soon as possible, but in no event later than 5 business days of the date on which the step is completed.*

9.10 *If, in exceptional circumstances, a gas distributor cannot provide the response required by section 9.7 or 9.8 within the applicable timeframe, the gas distributor may request a time extension. The time extension request shall be made through the OEB Complaint E-Portal at least one day prior to the expiry of the applicable deadline, and shall include the following:*

(e) the length of the extension requested; and

(f) the circumstances justifying the need for an extension.

9.11 *The Designated OEB Staff shall determine whether or not to grant the extension, for the entire time requested or such shorter time as the Designated OEB Staff considers reasonable in the circumstances and shall so notify the gas marketer through the OEB Complaint E-Portal together with reasons for the determination.*

9.12 *For the purpose of the Consumer Complaint Response Process, the following rules apply in relation 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 an act occurs after 5:00pm, it shall be deemed to have occurred on the next business day.*