

Attachment B

to

Notice of Proposed Amendments to Codes and a Rule and Notice of Hearing

December 18, 2018

EB-2017-0183

**Proposed Amendments to the
Distribution System Code (DSC)**

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

1. Section 1.2 of the DSC 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 DSC is amended by adding the following definition after the definition of “expansion”:

“Family Law Act” means the Family Law Act, R.S.O. 1990, c. F.3;

3. Section 1.2 of the DSC is amended by deleting the definition of “holiday” and replacing it with the following:

“holiday” means a holiday described in section 88 of the Legislation Act, 2006, S.O. 2006, c. 21, Sched. F as well as the August Civic Holiday;

4. Section 2.4.3 of the DSC is revoked.

5. Section 2.4.6 of the DSC is amended by adding the following bullet point at the end of the bullet point list:

- *The distributor’s late payment policy, including the date from which any Board-approved late payment charges apply.*

6. Section 2.4.9 of the DSC is amended by replacing the words “5 years” with “3 years”.

7. The following new sections 2.4.9A to 2.4.9C are added to the DSC immediately after section 2.4.9:

2.4.9A Before requiring a security deposit under section 2.4.9 from a new residential customer, a distributor shall offer the customer the option of enrolling in an equal monthly billing plan in accordance with the Standard Supply System Code, a pre-authorized payment plan, or both, and where the customer elects to enroll, no security deposit shall be required.

2.4.9B Despite section 2.4.9A, a distributor may require a security deposit from the customer if within 12 months of enrollment in an equal monthly billing plan, a pre-authorized payment plan, or both,

(a) the customer terminates the plan;

(b) the customer receives more than one disconnection notice from the distributor;

(c) more than one payment by the customer has been returned for insufficient funds;

(d) a disconnect / collect trip has occurred; or

(e) in the case of an equal monthly billing plan, the plan has been cancelled due to non-payment by the distributor in accordance with the Standard Supply Service Code.

2.4.9C Section 2.4.9B does not apply if any of the events listed in paragraphs (b) to (e) of that section occurred due to an error by the distributor.

8. Section 2.4.12 of the DSC is amended by replacing the first sentence with the following: *The maximum amount of a security deposit which a distributor may require a customer to pay shall be calculated by multiplying the distributor's billing cycle factor and the customer's estimated bill (which shall be based on the customer's average monthly load with the distributor during the most recent 12 consecutive months within the past two years).*
9. Section 2.4.19 of the DSC is amended by replacing the words "the Bank Act, 1991, c.46" with: *the Bank Act, S.C. 1991, c. 46.*
10. Section 2.4.23 of the DSC is amended by replacing the opening words, before "to determine...", with: *A distributor shall respond promptly to a customer who, no earlier than 12 months after the payment of a security deposit or the making of a prior demand for a review, demands in writing that the distributor undertake a review.*

11. Section 2.4.23C of the DSC is amended by adding the word “a” between the words “requests” and “refund”.
12. Section 2.4.24 of the DSC is revoked.
13. Section 2.4.26 of the DSC is deleted and replaced with the following: *Within six weeks of the closure of a customer’s account, a distributor shall return any security deposit received from the customer, subject to the distributor’s right to use the security deposit to set off other amounts owing by the customer to the distributor.*
14. Section 2.6.3 of the DSC is amended by replacing the words “16 days” with “20 days”.
15. Section 2.6.6 of the DSC is amended by deleting the word “charges” the second time it appears.
16. Section 2.6.6.1 of the DSC is revoked.
17. Section 2.6.6.2A of the DSC is amended by deleting the words “or 2.6.6.1”.
18. Section 2.6.6.2B of the DSC is amended by replacing the opening words, before “to cover electricity charges...” with “Where payment on account of a bill referred to in section 2.6.6 is not sufficient”.
19. The following new section 2.6.6.2C is added immediately after section 2.6.6.2B of the DSC:

2.6.6.2C Despite sections 2.6.6 and 2.6.6.2B, where a customer requests that a payment be allocated in a manner other than that specified in those sections, the distributor may, but is not required to, allocate the payment in the manner requested.
20. Section 2.6.6.3(a) of the DSC is amended by adding the word “and” immediately before the words “Regulatory Charges”, and by deleting the words “and ‘Debt Retirement Charge’” immediately after the words “Regulatory Charges”.
21. Section 2.6.7 of the DSC is amended by deleting the words, “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.*”
22. Section 2.7.1 of the DSC is deleted and replaced with the following:

2.7.1 A distributor shall make available to any residential or general service < 50 kW customer who is unable to pay their outstanding electricity charges, as defined in section 2.6.6.3, the opportunity to enter into an arrears payment agreement with the distributor. In respect of residential customers, the arrears

payment agreement shall include, at a minimum, the terms and conditions specified in sections 2.7.1.1 to 2.7.5 inclusive and 2.7.6A. In respect of general service < 50 kW customers, an arrears payment agreement need not include those terms and conditions, but shall be offered on reasonable terms.

23. Section 2.7.1.1 of the DSC is amended by adding the words “with a residential customer” after the word “agreement”.

24. Section 2.7.6 of the DSC is revoked.

25. Section 2.7.6A of the DSC is amended by replacing the words “an eligible low-income customer” with “a residential customer”.

26. Section 2.7.8 of the DSC is replaced with the following:

2.7.8 In the event a customer failed to perform their obligations under a previous arrears payment agreement and the distributor terminated the agreement pursuant to section 2.7.4 (in the case of a residential customer) or otherwise (in the case of general service < 50 kW customer), the distributor may require that the customer wait 1 year after termination of the previous agreement before entering into another arrears payment agreement with the distributor.

27. Section 2.8.2 of the DSC is amended by replacing the words “section 2.8.11.1” with “2.8.1.1”.

28. Section 4.2.1 of the DSC is amended by adding the words “and this Code” after “the Electricity Act”.

29. Section 4.2.2 of the DSC is amended by replacing the words “if disconnection occurs” in paragraph (d) with “to reconnect service following disconnection”.

30. Section 4.2.2 of the DSC is amended by deleting the words “where applicable” at the beginning of paragraph (i) and adding the following after the word “disconnection”:
“(provided, however, that this information need not be included if the distributor does not in fact disconnect service without attendance at the customer’s premises).”

31. Section 4.2.2 of the DSC is amended by adding the following to paragraph (j), after the word “information”:
“(provided, however, that this information need not be included if in fact such a by-law does not exist).”

32. Section 4.2.2 of the DSC is amended by replacing the word “payment” with “billing” in paragraph (k).
33. Section 4.2.2 of the DSC is amended by adding the following to paragraph (k2), after the word “disconnection”: “(provided, however, that this information need not be included if the distributor does not in fact make use of load control devices).”
34. Section 4.2.2.3 of the DSC is amended by replacing the words “11 days” with “14 days”.
35. Section 4.2.2.4 of the DSC is amended by replacing the words “equal monthly payment” with “equal monthly billing”.
36. Section 4.2.2.6 of the DSC is amended by replacing the words “10 days”, wherever they appear, with “14 days”.
37. Section 4.2.2.7 of the DSC is amended by replacing the words “11 days” with “14 days”.
38. Sections 4.2.3 and 4.2.3.1 of the DSC are amended by replacing the word “dependent”, wherever it appears, with “dependant”.
39. Section 4.2.3 of the DSC is amended by replacing the words “10 days” with “14 days”.
40. Section 4.2.3.1 of the DSC is amended by replacing the words “third business day” with “fifth calendar day”.
41. The following new section 4.2.4A is added to the DSC after section 4.2.4:
- 4.2.4A At least seven days before issuing a disconnection notice for non-payment, a distributor shall deliver an account overdue notice to the customer by the customer’s preferred method of communication, if known, or otherwise by mail.*
42. Section 4.2.5 of the DSC is amended by adding the following paragraph (d) after paragraph (c):

(d) A distributor shall not disconnect a customer for non-payment on a day the distributor is closed to the public to make payment and/or reconnection

arrangements or on the day preceding that day.

43. The following new section 4.2.5.1A is added to the DSC after section 4.2.5.1:

4.2.5.1A A distributor shall not apply any charges for disconnecting a customer for non-payment.

44. Section 4.2.5.2 of the DSC is amended by deleting the first sentence.

45. Section 4.2.5.3 of the DSC is amended by adding the following after the first sentence:

The reconnection charges shall be applied only after reconnection has occurred. If the customer is unable to pay the reconnection charges, the distributor shall offer reasonable payment arrangements. The distributor shall waive the reconnection charges for an eligible low-income customer.

46. The following new section 4.8 is added after section 4.7 of the DSC:

4.8 Winter Disconnection, Reconnection and Load Control Devices

4.8.1 Subject to section 4.8.4, a distributor shall not, during a Disconnection Ban Period:

- (a) disconnect an occupied residential property solely on the grounds of non-payment;*
- (b) issue a disconnection notice in respect of an occupied residential property solely on the grounds of non-payment, provided, however, that the distributor may issue a disconnection notice that complies with section 4.2 of this Code in the last month of the Disconnection Ban Period in respect of a disconnection to take place after the end of the Disconnection Ban Period; or*
- (c) install a load control device in respect of an occupied residential property solely on the grounds of non-payment.*

Nothing in this section shall preclude the distributor from (i) disconnecting an occupied residential property during a Disconnection Ban Period in accordance

with all applicable regulatory requirements, including the required disconnection notice, or (ii) installing a load control device in respect of an occupied residential property during a Disconnection Ban Period, in each case if at the unsolicited request of the customer given in writing for that Disconnection Ban Period.

4.8.2 Subject to section 4.8.4, a distributor shall ensure that any residential property that had been disconnected solely on the grounds of non-payment is, if an occupied residential property, reconnected by December 1st. The distributor shall waive any reconnection charge that might otherwise apply in respect of that reconnection. Nothing in this section shall require the distributor to reconnect an occupied residential property in respect of a Disconnection Ban Period if the customer gives unsolicited notice to the Licensee not to do so in writing for that Disconnection Ban Period and has not rescinded that notice.

4.8.3 Subject to section 4.8.4, a distributor shall ensure that any load control device installed in respect of an occupied residential property either for non-payment or at the customer's request is removed and full service is restored to the property by December 1st. Nothing in this section shall (i) require the distributor to remove a load control device in respect of a Disconnection Ban Period if the customer gives unsolicited notice to the distributor not to do so in writing for that Disconnection Ban Period and has not rescinded that notice; or (ii) prevent the distributor from installing or maintaining a load control device if the customer makes an unsolicited request in writing for the Licensee to do so for that Disconnection Ban Period and has not rescinded that request.

4.8.4 Nothing in sections 4.8.1 to 4.8.3 shall:

- (a) prevent the distributor from taking such action in respect of an occupied residential property as may be required to comply with any applicable and generally accepted safety requirements or standards; or*
- (b) require the distributor to act in a manner contrary to any applicable and generally accepted safety requirements or standards.*

4.8.5 For the purposes of sections 4.8.1 to 4.8.4:

“Disconnection Ban Period” means the period commencing at 12:00 am on November 15th in one year and ending at 11:59 pm on April 30th in the following year;

“occupied residential property” means an account with a distributor:

(a) that falls within the residential rate classification as specified in the distributor’s rate order; and

(b) that is:

i. inhabited; or

ii. in an uninhabited condition as a result of the property having been disconnected by the distributor or of a load control device having been installed in respect of the property outside of a Disconnection Ban Period.

4.8.6 Sections 4.8.1 to 4.8.5 apply despite any other provision of the Distribution System Code to the contrary.

47. Sections 9.6 and 9.7 of the DSC are revoked.

48. The following new section 10 is added after section 9 of the DSC:

10 Consumer Complaint Response Process

10.1 Definitions

10.1.1 *In this section 10:*

“complaint” means an allegation by a consumer of a breach of an enforceable provision by a distributor;

“Consumer Complaint Response Process” means the requirements set out in this section 10;

“enforceable provision” has the meaning given to it in section 3 of the Ontario Energy Board Act; and

“OEB E-Portal” means the Board’s electronic communication tool used to communicate with a distributor.

10.2 Complaint Response

10.2.1 After a consumer directly contacts a distributor and makes a complaint, if the complaint is not addressed within 10 business days, the 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 the Board's designated toll-free telephone number or local telephone number (as requested by the consumer), and the website address designated by the Board for that purpose.

10.2.2 A distributor shall, within five business days of the coming into force of this section, provide the Board 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.

10.2.3 A distributor shall, within five business days of the coming into force of this section, provide the Board 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.*

10.2.4 If any of the information required under sections 10.2.2 or 10.2.3 changes, the distributor shall provide the Board with updated information as soon as possible upon becoming aware of the change and in any event no later than five business days of the change taking effect.

10.2.5 Where a non-complaint issue from a consumer is forwarded to a distributor through the OEB E-Portal, the distributor shall respond directly to the customer, in

a timely manner. In such a case the distributor is not required to follow the process set out in sections 10.2.6 to 10.2.9.

10.2.6 Where a complaint is forwarded to a distributor through the OEB E-Portal, the distributor shall provide, through the OEB E-Portal, a response to the complaint that meets the requirements of section 10.2.7 within:

- (a) two business days of the date of receipt of the complaint, where the complaint relates to the disconnection of a consumer's property or is otherwise identified as urgent by the Board when forwarding the complaint to the distributor; or*
- (b) 10 business days of receipt of the complaint in all other cases.*

10.2.7 The distributor's response referred to in section 10.2.6 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, a description of the resolution and, if any further steps are required to 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.*

10.2.8 Within five business days of being requested to do so, a distributor shall provide, through the OEB E-Portal, such additional information beyond the information required by section 10.2.7 regarding the distributor's handling of a

complaint as may be required by the Board in order to review and assess the matter.

10.2.9 Where section 10.2.7(f) applies and the steps for implementing the resolution were not all completed at the time the distributor provides its response under section 10.7, the distributor shall confirm through the OEB E-Portal once the full resolution is completed. Such confirmation shall be provided as soon as possible, but in no event later than five business days after the date on which the resolution is completed.

10.2.10 For the purposes of the Consumer Complaint Response Process, where there is a 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.