

**Attachment D**

to

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

**December 18, 2018**

**EB-2017-0183**

**Proposed Amendments to the  
Unit Sub-Metering Code (USMC)**

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

1. Section 1.2.1 of the USMC is amended by deleting the words “Ontario Energy Board” from the definition of “OESP”; by replacing the definition of “business day with the following”:

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

and by adding the following definition immediately after the definition of “exempt distributor”:

*“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;*

2. The following new section 3.3.2A is added immediately after section 3.3.2:

*For the purposes of this section 3.3:*

*“complaint” means an allegation by a consumer of a breach of an enforceable provision by a unit sub-meter provider;*

*“Consumer Complaint Response Process” means the requirements set out in sections 3.3.4 to 3.3.12;*

*“enforceable provision” has the meaning given to it in section 3 of the Act;*

*“OEB E-Portal” means the Board’s electronic communication tool used to communicate with a unit sub-meter provider.*

3. Section 3.3.3 of the USMC is replaced with the following:

*3.3.3 If a consumer makes a complaint to a unit sub-meter provider regarding its services, the unit sub-meter provider shall expeditiously investigate the complaint and take all appropriate and necessary steps to resolve the complaint. If the complaint is not addressed within 10 business days, the unit sub-meter provider shall inform the consumer that the consumer may contact the Board at any time, and shall at the same time provide the consumer with either 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.*

4. The following new sections 3.3.4 to 3.3.12 are added to the USMC immediately after section 3.3.3:

*3.3.4 A unit sub-meter provider shall, within five business days of the coming into force of this section 3.3.4, provide the Board 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.*

*3.3.5 A unit sub-meter provider shall, within five business days of the coming into force of this section 3.3.5, 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 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.*

*3.3.6 If any of the information required under sections 3.3.4 or 3.3.5 changes, the unit sub-meter provider 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.*

*3.3.7 Where a non-complaint issue from a consumer is forwarded to a unit sub-meter provider through the OEB E-Portal, the unit sub-meter provider shall respond directly to the consumer, in a timely manner. In such a case, the unit sub-meter provider is not required to follow the process set out in sections 3.3.8 to 3.3.11.*

*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 E-Portal, a response to the complaint that meets the requirements of section 3.3.9*

*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 unit sub-meter provider; or*
- (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, 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 unit sub-meter provider in relation to the complaint.*

*3.3.10 Within five business days of being requested to do so, a unit sub-meter provider shall provide, through the OEB 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 the Board 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 3.3.8, the unit sub-meter provider shall confirm through the OEB E-Portal once the resolution has been 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.*

*3.3.12 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.*

5. Section 4.1.3 of the USMC is amended by replacing the number “5” with the number “3”.
6. The following new sections 4.1.3A to 4.1.3C are added to the USMC immediately after section 4.1.3:

*4.1.3A Before requiring a security deposit under section 4.1.3 from a new residential consumer, a unit sub-meter provider shall offer the consumer the option of enrolling in a pre-authorized payment plan and where the consumer elects to enroll, no security deposit shall be required.*

*4.1.3B Despite section 4.1.3A, a unit sub-meter provider may require a security deposit from the consumer if within 12 months of enrollment in a pre-authorized payment plan,*

*(a) the consumer terminates the plan;*

*(b) the consumer receives more than one disconnection notice from the unit sub-meter provider;*

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

*(d) a disconnect / collect trip has occurred.*

*4.1.3C Section 4.1.3B does not apply if any of the events listed in paragraphs (b) to (d) of that section occurred due to an error by the unit sub-meter provider.*

7. Section 4.1.14C of the USMC is amended by adding the word “a” between the words “requests” and “refund”.
8. Section 4.1.16 of the USMC is replaced with the following:

*4.1.16 Within six weeks of the closure of a consumer’s account, a unit sub-meter provider shall return any security deposit received from the consumer, subject to the unit sub-meter provider’s right to use the security deposit to set off other amounts owing by the consumer to the unit sub-meter provider.*

9. Section 4.2.5A of the USMC is amended by replacing paragraph (h) with the following:

*(h) that the disconnection may occur without attendance at the consumer’s premises (provided, however, that this information need not be included if the unit sub-meter provider does not in fact disconnect service without attendance at the customer’s premises);*

and by adding the following to paragraph (k), immediately after the word “disconnection”: “(provided, however, that this information need not be included if the unit sub-meter provider does not in fact make use of load control devices).”

10. Section 4.2.5F of the USMC is amended by replacing the words “11 days” with “14 days”.
11. Section 4.2.5.H of the USMC is amended by replacing the words “10 days” with “14 days”.
12. Section 4.2.5I of the USMC is amended by replacing the words “11 days” with “14 days”.
13. Sections 4.2.6 and 4.2.6A are amended by replacing the word “dependent”, wherever it appears, with “dependant”.
14. Section 4.2.6 is amended by replacing the period after the word “elapsed” with a colon, and by replacing the words “10 days” with “14 days”.
15. Section 4.2.6A is amended by replacing the words “third business day” with “fifth calendar day”.
16. The following new sections 4.2.7A and 4.2.7B are added to the USMC immediately after section 4.2.7:

*4.2.7A At least seven days before issuing a disconnection notice for non-payment, a unit sub-meter provider shall deliver an account overdue notice to the consumer by the consumer’s preferred method of communication, if known, or otherwise by mail.*

*4.2.7B A unit sub-meter provider shall not disconnect a customer for non-payment on a day the unit sub-meter provider is closed to the public to make payment and/or reconnection arrangements or on the day preceding that day.*

17. Section 4.5.3 of the USMC is amended by replacing the words “16 days” with “20 days”.
18. Section 4.5.6 of the USMC is amended by deleting the word “charges” the second time it appears.
19. Section 4.5.7 of the USMC is revoked.
20. Section 4.5.8 of the USMC is amended by deleting the words “or 4.5.7”.

21. Section 4.5.9 of the USMC is amended by deleting the words “Subject to section 4.5.7,” and “or 4.5.7”, and by capitalizing the word “Where”.

22. The following new section 4.5.9A is added to the USMC immediately after section 4.5.9:

*4.5.9A Despite sections 4.5.6 and 4.5.9, where a consumer requests that a payment be allocated in a manner other than that specified in those sections, the unit sub-meter provider may, but is not required to, allocate the payment in the manner requested.*

23. Section 4.5.10(a) of the USMC 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”.

24. Section 4.5.11 of the USMC is amended by deleting the words, “For the purpose 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*.”

25. Section 4.6.1 of the USMC is replaced with the following:

*4.6.1 A unit sub-meter provider shall make available to any consumer who is unable to pay their outstanding electricity charges, as defined in section 4.5.10, the opportunity to enter into an arrears payment agreement with the unit sub-meter provider. In respect of residential consumers, the arrears payment agreement shall include, at a minimum, the terms and conditions specified in sections 4.6.3 to 4.6.16 inclusive. In respect of non-residential consumers, an arrears payment agreement need not include those terms and conditions, but shall be offered on reasonable terms.*

26. Section 4.6.3 of the USMC is amended by adding the words “with a residential consumer” immediately after the word “agreement”.

27. Section 4.6.19 of the USMC is amended by replacing the words “his or her” with “their”, and by adding the following words immediately after the words “pursuant to section 4.6.9”: “(in the case of a residential consumer) or otherwise (in the case of a non-residential consumer)”.

28. Sections 5.1 and 5.7 of the USMC are revoked.