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**NOTICE OF AMENDMENTS TO CODES AND A RULE
AMENDMENTS TO THE
DISTRIBUTION SYSTEM CODE,
STANDARD SUPPLY SERVICE CODE,
UNIT SUB-METERING CODE, AND
GAS DISTRIBUTION ACCESS RULE
(AND ASSOCIATED RATE ORDER)**

BOARD FILE NO.: EB-2017-0183

**To: All Licensed Electricity Distributors
All Rate-Regulated Natural Gas Distributors
All Licensed Unit Sub-Meter Providers
All Participants in Consultation Process EB-2017-0183
All Other Interested Parties**

Date: March 14, 2019

The Ontario Energy Board (OEB) is giving notice under sections 70.2 and 45 of the *Ontario Energy Board Act, 1998* (OEB Act) of amendments to the Distribution System Code (DSC), Standard Supply Service Code (SSSC), Unit Sub-Metering Code (USMC) (together, Codes) and Gas Distribution Access Rule (GDAR). In connection with these amendments, the OEB is also issuing a rate order to electricity and gas distributors which eliminates or clarifies certain types of charges.

A. Background

On December 18, 2018, the OEB issued a [Notice of Proposal to Amend Codes and a Rule and a Notice of Hearing](#) (December 2018 Notice) for comment. The OEB proposed a number of amendments to the DSC, SSSC, USMC, and GDAR related to customer services (customer service rules). The OEB also proposed changes to service charges related to non-payment of accounts. These amendments were proposed as a result of the OEB's Phase 1 review of its customer service rules and associated service charges for licensed electricity distributors, rate-regulated natural gas distributors and unit sub-meter providers (collectively, Utilities). The proposed amendments also included provisions relating to the process for responding to consumer complaints.

The proposed amendments to the customer service rules and associated service charges were based on proposals that the OEB initially made in a [Report](#) issued on September 6, 2018 (Customer Service Rules Report) and stakeholder comments received on the Customer Service Rules Report. This Customer Service Rules Report was informed by a number of research and engagement activities that the OEB undertook including hearing from customer representatives and more than 2,500 individual residential and small business customers as well as Utilities through consultations, meetings of the OEB Consumer Panel¹ and a public survey. It also included a review of customer service standards adopted by energy utilities in other jurisdictions in Canada and the U.S. as well as practices in other sectors such as telecommunications and finance.

The OEB received nine letters of comment on the December 2018 Notice from various stakeholders, including Utilities and their representatives as well as consumer groups. A summary of some of the stakeholder comments received in relation to the issues addressed in this Notice has been included in the discussion below. The comments themselves are available on the OEB's webpage on the [Review of Customer Service Rules](#).

The OEB reviewed the comments received on the December 2018 Notice and has decided to make limited modifications, mainly for clarification purposes, to the proposed amendments set out in the December 2018 Notice.

A complete text of the Final Amendments to the DSC, SSSC, USMC, and GDAR is set out in Part 1 of Attachments A, B, C, and D to this Notice respectively. For informational purposes, a comparison of the Final Amendments relative to the December 2018 Proposed Amendments is set out in Part 2 of those Attachments.

¹ The Consumer Panel consists of residential and small business consumers throughout Ontario who help the OEB shape energy policies, programs and services.

In the sections below, the OEB addresses key stakeholder comments on the December 2018 Notice and any modifications to the December 2018 Notice.

1 Security Deposits

The December 2018 Notice proposed to amend the GDAR to adopt the current electricity security deposit rules (as proposed to be amended) for gas distributors.

Enbridge Gas Inc. (Enbridge) commented on proposed section 9.2.11 of the GDAR which requires gas distributors to calculate security deposits based on the customer's actual or estimated consumption. Enbridge stated that it would be a challenge to move one of its two customer information systems from a fixed security deposit to a consumption-based deposit for residential customers. Enbridge suggested that Utilities should be allowed to calculate a standard amount for the security deposit provided it is less than the security deposit for a typical residential customer, calculated based on past consumption.

The OEB is not persuaded to adopt a different calculation method. The OEB notes that most energy utilities in other jurisdictions reviewed by the OEB calculate security deposit amounts based on the customer's past consumption. Utility customers in Ontario also prefer a consumption-based amount over a fixed amount.² Therefore, the OEB will adopt the calculation methodology proposed in the December 2018 Notice. However, as described below, in recognition of the concerns raised by Enbridge and some other Utilities about implementation challenges, the OEB will provide Utilities with nearly 12 months to implement the new customer service rules, including this one.

The December 2018 Notice proposed only two amendments to the electricity security deposit rules. The first proposed amendment was to reduce the good payment history period for small business customers from five years to three years and the second proposed amendment was to introduce new measures in lieu of a security deposit for new residential customers.

The OEB received no comments on the first proposed amendment. Therefore, no changes are required.

The second proposed amendment requires Utilities to waive security deposits for new residential customers enrolling in the Utility's equal billing and/or pre-authorized payment plan as determined by the Utility. Under this proposal, the Utility may request a security deposit from the customer if within 12 months of enrolment in the equal billing and/or pre-authorized payment plan,³ either of the events listed below occurs:

² The OEB's online consumer survey indicates that 43% of residential consumers believe that security deposits should be calculated based on the customer's past consumption while 32% believe that it should be a fixed dollar amount.

³ USMPs are not required to offer equal billing.

- The customer terminates the plan in which the customer was enrolled in lieu of a security deposit.
- The customer has received more than one disconnection notice from the distributor, more than one payment to the distributor has been rejected for insufficient funds, a disconnect/collect trip has occurred or the customer was removed from the distributor's equal billing plan for non-payment reasons.

The Electricity Distributors Association (EDA) suggested that the OEB make clarifications to the second proposed amendment. Specifically, the EDA proposed that:

- For the purpose of this rule, a “new customer” is a customer who has not been served by the Utility in the previous 24 months.
- The Utility is not to waive the requirement for a security deposit for those customers who enrol in an eligible program and are in arrears, either at the current location or at a previous location.
- If the customer ceases to meet the waiver eligibility criteria, the Utility can remove the customer from all programs that would make them eligible for a continuing waiver and seek a security deposit.

The intent of the second proposed amendment was to assist residential customers with no or inadequate account history by waiving the requirement to pay a security deposit while allowing Utilities to use alternative tools in lieu of a security deposit to mitigate non-payment risks. The OEB agrees with the EDA's comment that if the customer was not served by the Utility in the previous 24 months, the customer should be eligible for the waiver. The OEB will, therefore, revise the amendments to the DSC, USMC and GDAR to reflect this clarifying change. The OEB does not accept the EDA's proposal that the waiver should not apply to customers in arrears, either at the current location or at a previous location. Customers' financial circumstances can change significantly in 24 months and the risk of default may not necessarily be high.

With respect to the EDA's third suggested change, the OEB notes that the circumstances under which a Utility may ask for a security deposit are clearly set out in proposed section 2.4.9B of the DSC, proposed section 4.1.3B of the USMC and proposed section 9.2.5 of the GDAR. As for removal from the plans in which the customer was enrolled in lieu of a security deposit, the OEB notes that the cancellation of the equal billing plan is set out in proposed section 2.6.2(e) of the SSSC and 9.4.1(e) of the GDAR while the cancellation of the pre-authorized payment plan is left to the distributor's discretion.

The Low-Income Energy Network (LIEN) suggested the following changes to the current security deposit rules:

- Past consumption data used for calculating security deposit amounts should be weather-normalized.
- Utilities should be prohibited from issuing disconnection notices for non-payment reasons unless they actually intend to disconnect service. In the absence of this prohibition, a customer's good payment history should not be affected by receiving more than one disconnection notice as Utilities overuse notices as a threat.

The OEB will not adopt LIEN's suggestion to use weather-normalized data because doing so would add significant complications to the process, but may result in only limited benefits to customers.

With respect to LIEN's second suggestion, the OEB agrees that a disconnection notice is an important document and should not be issued unless the Utility intends to follow through with it. However, the OEB does not believe that this needs to be made explicit in the customer service rules.

2 Billing and Payment

2.1 Minimum Payment Period

The December 2018 Notice proposed to amend the DSC and the USMC to mandate a 20 calendar day minimum payment period (instead of the current 16 calendar days) before late payment charges can be applied. The OEB also proposed to amend the GDAR to adopt the electricity rules governing bill issuance and payments (as proposed to be amended) for gas distributors.

The consumer groups supported this proposal and the gas distributors had no objections. However, the electricity distributors requested that the OEB reconsider this proposal due to its impact on Utilities' account receivables and working capital needs. They further stated that if the OEB proceeds with this proposal, Utilities should be allowed to track the proposal's consequential impact in a deferral account for future recovery.

As indicated in the December 2018 Notice, the proposed minimum payment period is consistent with customer expectations⁴ and practices in other jurisdictions reviewed by the OEB. The OEB continues to believe that any increases to the cost of working capital will be outweighed by the benefit of allowing customers a reasonable time to arrange for payment, and will likely contribute to an improved payment pattern. Furthermore, it is inappropriate to adjust for one aspect of a distributor's rate base without consideration of other cost elements. The OEB will therefore adopt the above amendments as proposed in the December 2018 Notice.

⁴ The OEB's online consumer survey indicates that 46% of residential consumers expect 20 days while some (8%) expect even a longer period.

2.2 Equal Billing and Equal Payment Plans

The December 2018 Notice proposed a number of changes to the current electricity customer service rules relating to equal billing and equal payment plans to make it easier for customers to enrol and for electricity distributors to manage. The December 2018 Notice also proposed to amend the GDAR to adopt the current electricity customer service rules (as proposed to be amended) for gas distributors.

The proposed amendments to the current electricity rules were well received by consumer groups and electricity distributors, although there were some suggestions for further clarity in some areas.

The EDA and Whitby Hydro suggested that the proposed “equal billing plan” term be changed to “equal payment plan.” They stated that “equal billing plan” is confusing to customers. The OEB accepts the suggested proposal and will amend the relevant sections of the SSSC and the GDAR accordingly.

The December 2018 Notice proposed that distributors be required to offer an equal monthly billing plan to eligible customers at least twice in each 12-month period through the customer’s preferred method of communication, if known, or otherwise by mail. Comments from a number of electricity distributors suggested that if the customer’s preferred communication method is unknown, the distributor should communicate the plan in a manner that is acceptable and effective instead of mail. Some explained that mail is costly and customers generally respond better to phone calls, for example, rather than mail. The Coalition of Large Distributors (CLD) suggested that the word “offer” be changed to “communicate the availability of.”

The OEB accepts the suggested changes as they are consistent with the intent of the OEB’s amendments to make customers aware of the plan and assist them in making informed choices. The OEB will revise the proposed amendments to the SSSC and GDAR to reflect these changes.

LIEN suggested that the OEB reconsider the current rule that allows distributors to reconcile an equal billing plan in a month earlier than the 12-month anniversary. LIEN explained that if Utilities choose to reconcile their plans in the months immediately after the high-cost winter season, customers who enter into the plan are prepaying for their high-cost months during the lower-cost months. LIEN added that customers should not be forced to prepay their high-cost months to receive the benefits of the plan.

The OEB does not accept LIEN’s request as it would be administratively burdensome. Nevertheless, the OEB expects distributors to adequately explain the plan and how it works to customers who request to join the plan so that they can make an informed decision.

The proposed amendments to the SSSC and GDAR would permit distributors to adjust the equal monthly amounts at any time in the event of extraordinary changes in a customer's consumption or a customer's electricity/gas charges, or for any other reason with the customer's consent. LIEN suggested that the term "extraordinary" be replaced with a softer test. In LIEN's view, a softer test would allow for more frequent non-scheduled adjustments. The OEB accepts LIEN's suggestions and will change the term "extraordinary" to "material." The "material" threshold is consistent with the wording used elsewhere in the same provision.

Enbridge expressed concerns over the proposed amendments to the GDAR that deal with annual reconciliations. Under the proposed rules, if the annual reconciliation shows that the gas distributor owes the customer an amount that is equal to or more than the customer's average monthly bill, the gas distributor must credit the amount to the customer's account and advise the customer that they have 10 days to request a refund instead of the credit on the bill. If the customer requests a refund, the gas distributor must refund the amount within 11 days of the request. Enbridge suggested that gas distributors should only be required to credit the amount to the customer's account and notify the customer that they can contact the gas distributor to request a refund of the overpayment.

Under the proposed amendments, if the annual reconciliation shows that the customer owes the gas distributor an amount that is equal to or more than the customer's average monthly bill, the gas distributor must roll over the balance due to the following year's equal monthly billing plan and collect it over the first 11 months. Enbridge suggested that rather than requiring gas distributors to roll over the balance to the following year, the distributor should advise the customer of payment arrangement options to pay the amount due. Enbridge stated that the proposed requirement may result in substantial increases to the following year's monthly payments. Enbridge added that to avoid this increase, gas distributors would need to adjust payments more frequently throughout the year, which is not desirable by customers in Enbridge's view.

The OEB-prescribed steps and timelines provide clarity and certainty to customers. The OEB believes that the OEB requirements will likely reduce customer requests for extended payment arrangements. Furthermore, the OEB-proposed calculation and adjustment mechanism allows gas distributors to accommodate specific customer requests. The OEB also notes that while these proposed requirements are new for gas distributors, they have been in place and applied by electricity distributors for many years. Therefore, the OEB will not adopt Enbridge's suggested changes.

2.3 Payment by Credit Card

The December 2018 Notice proposed to amend the GDAR to adopt the following current electricity rules regarding the use of credit cards for gas distributors:

- Where a distributor has issued a disconnection notice to a residential customer for non-payment, the distributor must, at a minimum, have the facilities and staff available during regular business hours so residential customers can pay overdue amounts by credit card.
- When a distributor visits a customer's property to disconnect service during or after regular business hours, the distributor must have the facilities or staff available to allow residential customers to pay overdue amounts by credit card.

No comments were received on this proposed amendment. The OEB will therefore adopt the amendment as proposed in the December 2018 Notice.

2.4 Allocation of Payment

In accordance with the current electricity requirements, if a bill issued to a residential customer includes charges other than electricity charges (for example, water charges billed on behalf of the municipality), any payment made by the customer must first go directly to the electricity charges and then, if funds are remaining, to the other charges in the following order: payments towards an arrears payment agreement, outstanding security deposits, under-billing adjustments and then non-electricity charges. If payment is sufficient to cover electricity related charges, the Utility cannot levy late payment charges or disconnect the electricity supply.

The December 2018 Notice proposed to amend the DSC and USMC to allow Utilities (but not require them) to allocate payments in a manner that is different from the OEB-prescribed allocation method upon receiving a written request from the customer. The December 2018 Notice also proposed to amend the GDAR to adopt the electricity payment allocation rules (as proposed to be amended) for gas distributors.

Only Enbridge commented on this proposed amendment. Enbridge stated that it is unable to meet this requirement as the core functionality of one of its two billing systems requires that the oldest charges be paid first, regardless of type (i.e. gas or non-gas services). Enbridge proposed that payments be allocated in the following order: arrears payment agreement or arrears if no payment arrangement is in effect, gas charges, outstanding security deposit, under-billing adjustments and non-gas charges.

For the reasons set out in the December 2018 Notice, the OEB does not accept Enbridge's proposal. Specifically, the OEB continues to believe that it is not appropriate for residential customers to be subject to the risk of gas disconnection due to allocating partial payments entirely or in part to non-gas charges. The OEB will therefore adopt the amendment as proposed in the December 2018 Notice. However, as mentioned, Utilities will have nearly 12 months to make the necessary system changes.

2.5 Arrears Payment Agreement

The DSC and USMC require Utilities to offer residential customers who are unable to pay their outstanding electricity charges the opportunity to enter into an arrears payment agreement (APA). The terms of the APA are prescribed in the rules, including special terms for APAs to be offered to eligible low-income customers. The main differences between the standard residential APA and the eligible low-income APA relate to the amount of the required down payment, the repayment period, the waiving of late payment charges and other non-payment of account service charges,⁵ and cancellation criteria. Utilities are currently not required to offer payment arrangements to small business customers in arrears. The December 2018 Notice proposed to:

- Amend the DSC to prohibit electricity distributors from charging residential customers additional late payment charges on the amount that is covered by the OEB-prescribed APA.
- Amend the DSC and the USMC to require Utilities to offer reasonable payment arrangements to small business customers unable to pay their bill. In the event a small business customer fails to perform their obligations under a previous payment plan and the Utility terminates the plan, the Utility may require that the customer wait 12 months after termination before entering into another payment plan.

The December 2018 Notice also proposed to amend the GDAR to adopt the electricity rules governing the provision of APAs by electricity distributors (as proposed to be amended) for gas distributors.

Whitby Hydro stated that late payment charges are considered a revenue offset and distributors should be provided a mechanism to recover any material impacts associated with waiving this charge. The OEB notes that treatment of lost revenues associated with changes to non-payment of account charges are addressed in the December 2018 Notice and further discussed below.

With respect to the proposal requiring Utilities to offer reasonable payment arrangements to small business customers unable to pay their bill, Whitby Hydro stated that what constitutes “reasonable payment arrangements” should be at the Utility’s discretion based on its assessment of payment risk. The OEB expects Utilities to offer reasonable payment arrangements to eligible small business customers. While the OEB will not prescribe the terms of those arrangements, the OEB expects such arrangements to take the customer’s circumstances into consideration.

Enbridge and LIEN also provided comments on these proposed amendments. Enbridge suggested that the proposal went too far while LIEN suggested that it did not go far enough.

⁵ USMPs are not required to waive the non-payment of account charges.

Enbridge submitted that the OEB-prescribed APA is complicated, long and increases bad debt. Enbridge suggested two alternative arrangements, both of which included larger down payment amounts and shorter repayment periods.

The OEB does not accept Enbridge's suggestions. As indicated in the December 2018 Notice, the availability of an OEB-prescribed APA to both electricity and natural gas residential customers ensures that all residential customers in Ontario, regardless of which Utility serves them, will have access to the same minimum level of service. In addition, both the December 2018 Notice and the Customer Service Rules Report explained that the requirement to offer the OEB-prescribed APA does not prevent the Utility from negotiating payment plans with the customer provided that:

- The Utility has explained to the customer that the customer has the option of entering into an OEB-prescribed APA in case the customer and the Utility are not able to agree on customized terms.
- Customers entering into negotiated payment plans do not lose their right to the OEB-prescribed APA. If the customer does not follow the terms of the negotiated payment plan, the Utility is still required to offer the customer the OEB-prescribed APA.

LIEN suggested a number of changes to the OEB-prescribed APA including allowing customers to renegotiate the APA, incorporation of arrearage forgiveness, and allowing eligible low-income customers who successfully complete their low-income APA to enter into another low-income APA.

The OEB notes that LIEN's comments were largely addressed in the December 2018 Notice. As indicated in the December 2018 Notice, APA rules (as proposed to be amended) will facilitate a more affordable payment and should encourage customers with arrears to enter into an APA as soon as possible to avoid further late payment charges. The customer service rules do not prevent customers from requesting alternative arrangements and Utilities indicate that they usually work with customers who are trying to manage arrears. Furthermore, eligible low-income customers can enter into a standard residential APA immediately after completing the low-income APA. The current one-year waiting period to enter into another low-income APA is intended to mitigate the risk of customers overusing such agreements. It should also be noted that additional assistance is available to eligible low-income customers under the Ontario Electricity Support Program (OESP)⁶ and the Low-Income Energy Assistance Program (LEAP).⁷

LIEN also requested that the OEB clarify that distributors are not allowed to require customers to enter into an equal payment plan as a condition of an APA. The OEB confirms that while

⁶ The OESP is available to eligible electricity consumers only.

⁷ The OEB is currently reviewing LEAP for further improvement.

customers entering into the OEB-prescribed APA should not be refused enrolment in the OEB-prescribed equal payment plan, such an enrolment should not be a condition for entering into an OEB-prescribed APA.

The OEB will therefore adopt the APA related amendments as proposed in the December 2018 Notice. No changes are necessary.

3 Disconnection for Non-Payment

3.1 Content of Disconnection Notice

Disconnection notices sent to residential customers by Utilities must contain information prescribed in the DSC and USMC including, but not limited to, the following information:

- The earliest and latest date disconnection may occur.
- The forms of payment a customer may use to avoid disconnection.
- That an OEB-prescribed standard APA and equal monthly payment plan may be available.
- That the following additional assistance may be available to an eligible low-income customer, along with contact information for the Utility where the customer can obtain further information about the additional assistance:
 - OEB-prescribed APA and other expanded customer service provisions, specifically for eligible low-income customers.
 - Emergency Financial Assistance.

The December 2018 Notice proposed certain housekeeping amendments to these provisions, to improve clarity.

The December 2018 Notice also proposed to adopt the electricity customer service rules (as proposed to be amended) relating to the content of disconnection for non-payment notice for gas distributors.

No one commented on these proposed amendments. Therefore, the OEB will adopt these amendments as proposed in the December 2018 Notice. No changes are necessary.

3.2 Disconnection Notice Period and Timing

The December 2018 Notice proposed to amend the DSC and USMC to implement the following requirements:

- Utilities must provide customers with an “account overdue notice” at least seven calendar days before the notice of disconnection is issued.
- The account overdue notice must be delivered through the customer’s preferred method, if known, or otherwise by mail.

- Before disconnecting a customer's service for reasons of non-payment, Utilities must provide the customer with 14 calendar days' notice (instead of the current 10 calendar days).
- Where a disconnection notice is sent by mail, the disconnection notice will be deemed to have been received by the customer on the fifth calendar day (instead of the current third business day) after the date on which the notice was printed by the Utility.
- Utilities must disconnect services within 14 calendar days (instead of the current 11 calendar days) after the applicable minimum notice period.
- Utilities shall not disconnect a customer on a day when the Utility is closed to the public to make payment and/or reconnection arrangements or on the day preceding that day.

The December 2018 Notice also proposed to amend the GDAR to adopt the electricity customer service rules (as proposed to be amended) relating to disconnection for non-payment notice and timing for gas distributors.

The London Property Management Association (LPMA) sought clarity regarding the purpose of the proposed amendment to change the deemed receipt date of the disconnection notice, when sent by mail, from the third business day to the fifth calendar day. The OEB clarifies that this change was proposed in the December 2018 Notice for consistency as calendar days are used for other disconnection related events (e.g., the disconnection notice period and the disconnection window).

LPMA also suggested that the customer should be deemed to have received the disconnection notice when it is actually mailed by the Utility, not when it was printed by the Utility. The OEB does not accept this suggestion as it believes that five calendar days is a reasonable period of time to cover any lag between printing and mailing of the notice.

Comments from a number of electricity distributors suggested that if the customer's preferred communication method is unknown, the distributors should send the account overdue in a manner that is effective, not necessarily by mail. They explained that mail is costly and customers generally respond better to phone calls, for example, rather than mail. The OEB accepts this suggestion and will revise the proposed amendments accordingly.

3.3 Winter Disconnection and Reconnection

On February 23, 2017, the OEB issued a [Decision and Order](#)⁸ that amended the licences of all electricity distributors to prohibit the disconnection of residential customers from February 24, 2017 to April 30, 2017. These licence conditions were an interim measure to cover the balance of the 2016/17 winter. On November 2, 2017, the OEB issued a subsequent [Decision and Order](#)⁹ amending the licences of all Ontario electricity distributors to prohibit the disconnection

⁸ OEB Decision and Order dated February 23, 2017 (EB-2017-0101).

⁹ OEB Decision and Order dated November 2, 2017 (EB-2017-0318).

of residential customers by reason of non-payment from November 15th in one year to April 30th in the following year (Disconnection Ban Period) and to require that previously disconnected homes be reconnected at no charge by November 15th.¹⁰ The conditions also require electricity distributors to remove load control devices that had been installed on residential premises as an alternative to disconnection by November 15th, and banned the installation of new load control devices during the Disconnection Ban Period.

To provide distributors with reasonable time to reach and reconnect all customers who had been disconnected for non-payment reasons, the December 2018 Notice proposed to extend the date by which customers need to be reconnected to December 1st from November 15th. The OEB also proposed to establish winter disconnection/reconnection rules for gas distributors, similar to the ones in place for electricity distributors (as proposed to be amended) to ensure that natural gas customers are afforded the same level of protection relating to winter disconnection and reconnection practices that is in place for electricity customers.

Hydro One Networks Inc. (Hydro One) supported the proposed amendment to the winter disconnection/reconnection rules. However, it expressed concerns over the requirement to reconnect customers free of charge by the proposed December 1st date. Hydro One also requested that the OEB clarify whether:

- Physical visits by distributors to confirm occupancy are required.
- Electrical Safety Authority (ESA) inspection fees should be waived going forward.
- Winter disconnection/reconnection rules apply to seasonal properties.

Hydro One's comments relating to the impact of the requirement to reconnect customers free of charge are addressed in the December 2018 Notice.¹¹ With respect to the requested clarifications, the OEB confirms that:

- Electricity distributors are in the best position to determine whether they need to visit the customer's premise to confirm occupancy. Electricity distributors continue to have the responsibility for the safe operation of their systems.
- While electricity distributors are not required to absorb the cost of the ESA inspection fee, they are not prevented from doing so.
- The winter disconnection/reconnection rules are intended to apply to all properties that meet the general criteria set out in those rules, even seasonal properties.

The CLD requested that the OEB clarify the wording of DSC section 4.8.4 by noting that "any applicable safety requirements and standards" would capture all the legitimate (non-payment) reasons for disconnection outlined in existing DSC section 4.2.6. The OEB notes that it is clear

¹⁰ For the 2017/2018 disconnection ban period, electricity distributors were required to reconnect customers as soon as possible.

¹¹ December 2018 Notice, page 28.

that the winter disconnection/reconnection rules only apply to disconnections “solely on the grounds of non-payment”.

Enbridge expressed concerns with the proposed customer reconnection requirement. It stated that the cost of reconnecting customers exceeds the costs experienced by electricity distributors due to differences in reconnection processes. Enbridge added that the process of reconnecting natural gas service is administratively burdensome and time consuming as it involves making arrangements and potentially multiple interactions with customers. Enbridge noted that gas distributors cannot reconnect service without entering the residence to conduct mandatory inspections. Enbridge is also of the view that the proposed reconnection requirement may remove the incentive for customers to pay arrears as for many customers, unlike electricity, natural gas is not essential from May through November. Enbridge suggested that any OEB reconnection policy should consider the following conditions:

- The customer must use natural gas as their primary heat source.
- The customer must contact the natural gas distributor to request and arrange reconnection.
- Exclude customers that received reconnection during the previous winter season in accordance with the reconnection requirement and were subsequently disconnected for non-payment.
- The customer must have either made a payment to the gas distributor or received gas service with the gas distributor within the six months preceding a mandatory winter reconnection.

Enbridge’s comments were largely addressed in the Customer Service Rules Report and the December 2018 Notice. As indicated in those documents, the OEB is of the view that the level of protection afforded to electricity customers should be extended to natural gas customers and that this view is consistent with expectations of customers and customer representatives. In addition, the OEB reiterates that it intends to review its winter disconnection/reconnection rules for both gas and electricity once there is sufficient experience with it.

The OEB will therefore adopt the amendments to the DSC and the GDAR as proposed in the December 2018 Notice.

4 Consumer Complaints Response Process

To ensure that consumer complaints are handled in a consistent and timely manner, the December 2018 Notice proposed requirements regarding how Utilities respond to consumer complaints forwarded by the OEB. Specifically, the December 2018 Notice proposed to amend the DSC, USMC and GDAR.

The OEB received some requests for clarifications which are addressed below. However, no changes to the amendments proposed in the December 2018 Notice are necessary. Therefore, the amendments will be adopted as proposed.

The CLD requested that the OEB clarify whether any further enhancements to the Consumer Complaint Response Process are under consideration or review at this time. The OEB can confirm that it is considering the development of a handbook and enhancements to the OEB e-portal to improve complaint response efficiency.

The EDA requested clarity regarding the term “enforceable provision”. The OEB clarifies that “enforceable provision” has the same meaning as in the OEB Act.¹²

The EDA also noted that some complaints are more complex than others and may impact electricity distributors’ ability to comply with the specified timelines. The EDA suggested that the OEB provide a process for extending the timelines when needed. The OEB recognizes that some matters are more complex than others. The OEB also recognizes it would not be efficient to require a Utility to file an application for exemption from the required timelines every time it needs an extension. Therefore, the OEB clarifies that a Utility may request an extension to a deadline with OEB staff working on the matter. However, the OEB notes that repeated requests for extensions or missed deadlines may be considered a compliance matter.

The EDA and Whitby Hydro also suggested that the OEB consider developing a complaint closure process. The OEB accepts this suggestion and will consider developing a process that would inform Utilities when the OEB considers the matter closed.

5 Non-Payment of Account Charges

The December 2018 Notice proposed a number of changes to the non-payment of account charges by way of amendments to the DSC and the GDAR, and a rate order.

Electricity distributors generally requested a mechanism to recover lost revenues associated with these proposed changes. They also requested that they be provided with adequate implementation time.

The changes to each non-payment of account-related charge are discussed below and in the final rate order that is being issued in connection with this Notice.

¹² The definitions sections of the applicable Codes state that unless defined in the Code, words have the meaning as defined in the legislation.

5.1 Late Payment Charges

A monthly interest rate of 1.5% (19.56% per annum) has been established by the OEB as the maximum level of a late payment charge (LPC). To ensure that the maximum level of this charge is not exceeded, the OEB indicated that the current approved rate needs to be more clearly described. The December 2018 Notice therefore proposed to:

- Prescribe the LPC, by way of a rate order, as follows: *1.5% per month (effective annual rate 19.56% per annum or 0.04896% compounded daily rate)*.
- Amend the DSC and the GDAR to require electricity and gas distributors to clearly describe in their conditions of service their late payment policy including the time from when the LPC applies.

LIEN requested that the OEB consider exempting low-income customers from paying a LPC. The OEB believes adequate protection is extended to eligible low-income customers through special eligible low-income customer service rules, OESP and LEAP.

The OEB will adopt the above referenced amendments to the DSC and GDAR as proposed in the December 2018 Notice. The final rate order will deal with the LPC.

5.2 Collection of Account Charge

The December 2018 Notice proposed to eliminate the OEB-approved Collection of Account charge that is currently applied by most electricity distributors.

Gas distributors do not have an OEB-approved charge relating to collection of account activities.

Electricity distributors generally opposed the elimination of this charge. The CLD and the EDA are of the view that electricity distributors incur costs for carrying out collection activities and customers responsible for the activity should cover those costs. In the CLD's view, this charge encourages some customers to discuss payment options with their Utilities. They also indicated that in the event the OEB proceeds with the elimination of this charge, provision should be made to allow distributors to recover the lost revenue.

The OEB continues to believe that customers who have difficulty paying their bills will have difficulty paying this charge in addition to late payment charges and that the application of this charge may result in an increase in customer arrears to a point that may be unmanageable. The OEB will therefore proceed to eliminate the Collection of Account charge. The electricity distributors' comments relating to treatment of lost revenues are addressed below.

5.3 Install/Remove Load Control Device Charge

The December 2018 Notice proposed to eliminate the Install/Remove Load Control Device charge that is currently applied by electricity distributors using these devices as an alternative to disconnection. Gas distributors do not use these types of devices. Therefore, no similar charges exist for gas distributors.

While the stakeholder comments did not address the proposal to eliminate this charge specifically, several comments by electricity distributors addressed the elimination of non-payment of accounts generally. As indicated above, electricity distributors generally opposed the elimination of non-payment of account service charges and stated that in the event the OEB proceeds with the elimination of this charge, provision should be made to allow distributors to recover the lost revenue.

The OEB continues to believe that these devices often help customers monitor and reduce their consumption, which in turn may help them manage their bills and any accumulated arrears. The OEB will therefore proceed to eliminate the Install/Remove Load Control Device charge by way of a rate order. The electricity distributors' comments relating to treatment of lost revenues are addressed below.

5.4 Disconnect/Reconnect Charge

The OEB-approved Disconnect/Reconnect charge (D/RC) is reflected on electricity distributors' tariffs of rates and charges. This charge is intended to recover the cost of the physical process of re-establishing power to a customer whose service was disconnected for non-payment reasons. Similarly, gas distributors' approved charges are set out in their rate orders.

The December 2018 Notice proposed to:

- By way of a rate order, require that any OEB-approved charges relating to reconnection of customers who had been disconnected for non-payment be renamed as "Reconnection."
- Amend the DSC to:
 - Prohibit electricity distributors from applying any charges when disconnecting a customer's electricity service for non-payment.
 - Require electricity distributors to apply the Reconnection charge following the reconnection of service and to offer reasonable payment arrangements to residential customers unable to pay the charge.
 - Require electricity distributors to waive the Reconnection charge for eligible low-income customers.

The OEB also proposed to make similar amendments to the GDAR.

Hydro One suggested that if the OEB prohibits charging a customer for disconnection for non-payment, distributors that applied the “Disconnect/Reconnect” charge previously to disconnect service should be able to recover the lost revenue until the next rebasing.

The OEB will proceed with changes proposed in the December 2018 Notice. Comments relating to treatment of lost revenues are addressed below.

5.5 Draft Rate Order

As indicated above, the December 2018 Notice proposed a number of changes to the non-payment of account charges by way of amendments to the DSC and the GDAR, and a rate order. Specifically, the changes that were proposed to be implemented by way of a rate order were set out in a draft rate order attached to the December 2018 Notice for comment. The draft rate order reflected an effective date of May 1, 2019.

No specific comments were filed regarding the draft rate order. However, electricity distributors generally requested a mechanism to recover lost revenues associated with these proposed changes. They also requested that they be provided with adequate implementation time. Whitby Hydro suggested that distributors be allowed six months to implement these changes. Similarly, the EDA stated that all electricity distributors require time to complete all aspects of these changes and additional time to implement new business processes or to renegotiate contracts with third party service providers, or all of the above. The EDA further requested clarity respecting the coming into force date of the amendments relating to the non-payment of account charges and the effective date of the changes to be made by way of a rate order.

In the final rate order being issued in connection with this Notice, the OEB has set an effective date of July 1, 2019, to allow distributors adequate time to implement the changes. The final rate order is attached to this Notice as Attachment E.

6 Housekeeping Amendments

The December 2018 Notice proposed a number of minor, non-substantive changes to the DSC and USMC. These proposed housekeeping changes are not intended to change existing requirements; rather, they are intended for clarification or, in some cases, to eliminate transitional provisions that are no longer required. In addition, the December 2018 Notice proposed to make housekeeping amendments to the DSC and USMC in relation to the OESP.

The OEB received no comments in relation to the proposed housekeeping amendments. The OEB will therefore adopt these amendments as proposed in the December 2018 Notice. These amendments will take effect immediately. In addition, the OEB has made some minor edits to some of the substantive amendments described earlier. These are not intended to be substantive, but merely to improve clarity or to correct section numbering or typographical issues.

7 Other Stakeholder Comments

Enbridge suggested adding definitions of “residential consumer” and “non-residential consumer” to the GDAR. The OEB sees merit in this suggestion and will adopt Enbridge’s proposed definitions, with minor changes.¹³

Enbridge also recommended that proposed section 9.3.7 be changed to make it clear that late payment charges will be applied to non-gas charges if not paid on time. The OEB believes that no changes to section 9.3.7 are necessary; as drafted, it does not preclude applying late payment charges to non-gas charges.

LPMA suggested that the OEB change the definition of “business day” in the SSSC for consistency with the proposed amendments to the DSC, USMC and GDAR. The OEB accepts LPMA’s suggestion and will amend the SSSC accordingly.

LIEN requested that the OEB consider prohibiting the disconnection of service for an unpaid bill that is comprised in whole or part of estimated meter readings. LIEN says that the issue is more relevant to gas distributors. As acknowledged by LIEN in its comment, estimated billings by electricity distributors are rare. With respect to gas distributors, the OEB believes that it is cost prohibitive to get actual meter reads each month. However, the GDAR sets out the minimum requirements for meter reads. The OEB believes that no further requirements are necessary at this time.

B. Anticipated Costs and Benefits

The anticipated costs and benefits of the amendments are set out in the December 2018 Notice. The changes that have been made to the amendments proposed in the December 2018 Notice are mainly for clarification purposes.

The OEB notes that electricity distributors continue to seek deferral/variance accounts to record lost revenues resulting from the proposed amendments to the customer service rules and associated service charges for future disposition. Similarly, the OEB acknowledges Enbridge’s comments indicating that it expects to incur substantial implementation costs and expects substantial ongoing revenue impacts once the rules are implemented. The OEB also acknowledges Enbridge’s comment indicating that both Enbridge and Union Gas were previously allowed to track similar costs in existing deferral accounts used for recovering the costs of implementation of GDAR changes.

¹³ It is not necessary to limit the definitions of residential and non-residential consumers to those that are “low volume consumers,” as section 9.1 of the GDAR specifies that the new Customer Service Rules only apply to low volume consumers.

As indicated in the December 2018 Notice, the OEB acknowledges the electricity distributors' comment that elimination of the two charges relating to non-payment of accounts may have an impact on some distributors. However, the OEB reiterates that it does not find it prudent to establish a generic deferral/variance account for all distributors. Again, a distributor can apply for a deferral account to track the impact of eliminating the two charges relating to non-payment of accounts with evidence demonstrating that such an account would meet the eligibility requirements set out in the OEB's *Filing Requirements for Electricity Distribution Rate Applications*.

The OEB does not find it reasonable to allow electricity and gas distributors to record incremental costs for potential future recovery. The OEB confirms that it continues to believe that the proposed amendments to the customer service rules and associated service charges are in the interest of both customers and Utilities, in that they are expected to facilitate more affordable payments by customers and decrease the likelihood of arrears reaching an unmanageable level.¹⁴

C. Coming into Force

The December 2018 Notice proposed that the proposed amendments to GDAR come into force nine months after the publication of the final amendments and proposed staggered implementation dates for the proposed amendments to the Codes. The Utilities generally argued that a longer period is required to implement the amendments proposed in the December 2018 Notice.

The OEB considered stakeholder comments relating to implementation timelines and the extent of system changes required by the Utilities in making the following determinations:

- The customer service rules related amendments to the DSC, SSSC, USMC and GDAR come into force on **March 1, 2020**, with the exception of certain provisions of the DSC and GDAR relating to non-payment of account charges, which in order to avoid inconsistency with the Rate Order, come into force on **July 1, 2019**.
- The amendments implementing the Consumer Complaints Response Process come into force on **July 1, 2019**.
- The housekeeping amendments to the DSC and the USMC come into force **immediately**.

Despite the coming into force dates of the amendments, the OEB encourages Utilities to implement, as soon as possible, the amendments that provide greater protection to customers or potential customers.

¹⁴ See December 2018 Notice, pages 41-42.

If you have any questions regarding this Notice, please contact Gona Jaff at gona.jaff@oeb.ca or at 416-440-7613. The OEB's toll-free number is 1-888-632-6273.

DATED at Toronto, **March 14, 2019**

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary

Attachments

Attachment A: Final Amendments to the DSC
Attachment B: Final Amendments to the SSSC
Attachment C: Final Amendments to the USMC
Attachment D: Final Amendments to the GDAR
Attachment E: Final Rate Order

Attachment A (Part 1)

to

Notice of Amendments to Codes and a Rule

March 14, 2019

EB-2017-0183

**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. Effective March 14, 2019, 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. Effective March 14, 2019, 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. Effective March 14, 2019, 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. Effective March 14, 2019, section 2.4.3 of the DSC is revoked.

5. Effective March 1, 2020, 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. Effective March 1, 2020, section 2.4.9 of the DSC is amended by replacing the words “5 years” with “3 years”.

7. Effective March 1, 2020, 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 residential customer who has not been served by the distributor in the previous 24 months, a distributor shall offer the customer the option of enrolling in an equal monthly payment 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 payment 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 payment 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. Effective March 1, 2020, 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. Effective March 14, 2019, 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. Effective March 1, 2020, 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. Effective March 14, 2019, section 2.4.23C of the DSC is amended by adding the word “a” between the words “requests” and “refund”.
12. Effective March 14, 2019, section 2.4.24 of the DSC is revoked.
13. Effective March 14, 2019, 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. Effective March 1, 2020, section 2.6.3 of the DSC is amended by replacing the words “16 days” with “20 days”.
15. Effective March 14, 2019, section 2.6.6 of the DSC is amended by deleting the word “charges” the second time it appears.
16. Effective March 14, 2019, section 2.6.6.1 of the DSC is revoked.
17. Effective March 14, 2019, section 2.6.6.2A of the DSC is amended by deleting the words “or 2.6.6.1”.
18. Effective March 14, 2019, 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. Effective March 1, 2020, 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. Effective March 14, 2019, 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. Effective March 14, 2019, 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. Effective March 1, 2020, 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. Effective March 1, 2020, section 2.7.1.1 of the DSC is amended by adding the words “with a residential customer” after the word “agreement”.

24. Effective July 1, 2019, section 2.7.6 of the DSC is revoked.

25. Effective March 1, 2020, section 2.7.6A of the DSC is amended by replacing the words “an eligible low-income customer” with “a residential customer”.

26. Effective March 1, 2020, 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. Effective March 14, 2019, section 2.8.2 of the DSC is amended by replacing the words “section 2.8.11.1” with “2.8.1.1”.

28. Effective March 1, 2020, section 4.2.1 of the DSC is amended by adding the words “and this Code” after “the Electricity Act”.

29. Effective July 1, 2019, 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. Effective March 1, 2020, section 4.2.2 of the DSC is amended by replacing the words “section 4.2.4” with “section 4.2.5”.

31. Effective March 14, 2019, section 4.2.2 of the DSC is amended by deleting the words “where applicable” from paragraph (i) and adding the following after the word

“premises”: “(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).”

32. Effective March 14, 2019, 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).”
33. Effective March 14, 2019, 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. Effective March 1, 2020, section 4.2.2.3 of the DSC is amended by replacing the words “11 days” with “14 days”.
35. Effective March 1, 2020, section 4.2.2.6 of the DSC is amended by replacing the words “10 days”, wherever they appear, with “14 days”.
36. Effective March 1, 2020, section 4.2.2.7 of the DSC is amended by replacing the words “11 days” with “14 days”.
37. Effective March 1, 2020, section 4.2.3 of the DSC is amended by replacing the words “10 days” with “14 days”.
38. Effective March 1, 2020, section 4.2.3.1 of the DSC is amended by replacing the words “third business day” with “fifth calendar day”.
39. Effective March 14, 2019, section 4.2.3.1 of the DSC is amended by replacing the words “a ‘dependent’” with “a ‘dependant’” in paragraph (e).
40. Effective March 1, 2020, 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 or any other means determined to be appropriate by the distributor.

41. Effective March 1, 2020, 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.

42. Effective July 1, 2019, 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.

43. Effective July 1, 2019, section 4.2.5.2 of the DSC is amended by deleting the first sentence.

44. Effective July 1, 2019, 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 a residential 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.

45. Effective March 1, 2020, 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 a 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.

46. Effective March 14, 2019, sections 9.6 and 9.7 of the DSC are revoked.

47. Effective July 1, 2019, 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 for the purposes of the Consumer Complaint Response Process.

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 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.

Attachment A (Part 2)

to

Notice of Amendments to Codes and a Rule

March 14, 2019

EB-2017-0183

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

**Comparison Version of Final Amendments to the DSC relative to the December
2018 Proposed Amendments
(for information purposes only)**

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

1. [Effective March 14, 2019](#), ~~S~~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. [Effective March 14, 2019](#), ~~S~~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. [Effective March 14, 2019](#), ~~S~~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. [Effective March 14, 2019](#), ~~S~~section 2.4.3 of the DSC is revoked.

5. [Effective March 1, 2020](#), ~~S~~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. Effective March 1, 2020, Ssection 2.4.9 of the DSC is amended by replacing the words “5 years” with “3 years”.
7. Effective March 1, 2020, Tthe 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 who has not been served by the distributor in the previous 24 months, a distributor shall offer the customer the option of enrolling in an equal monthly billing-payment 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-payment 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-payment 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. Effective March 1, 2020, Ssection 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. [Effective March 14, 2019](#), [§](#)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. [Effective March 1, 2020](#), [§](#)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. [Effective March 14, 2019](#), [§](#)section 2.4.23C of the DSC is amended by adding the word “a” between the words “requests” and “refund”.
12. [Effective March 14, 2019](#), [§](#)section 2.4.24 of the DSC is revoked.
13. [Effective March 14, 2019](#), [§](#)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. [Effective March 1, 2020](#), [§](#)section 2.6.3 of the DSC is amended by replacing the words “16 days” with “20 days”.
15. [Effective March 14, 2019](#), [§](#)section 2.6.6 of the DSC is amended by deleting the word “charges” the second time it appears.
16. [Effective March 14, 2019](#), [§](#)section 2.6.6.1 of the DSC is revoked.
17. [Effective March 14, 2019](#), [§](#)section 2.6.6.2A of the DSC is amended by deleting the words “or 2.6.6.1”.
18. [Effective March 14, 2019](#), [§](#)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. [Effective March 1, 2020](#), [¶](#)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. [Effective March 14, 2019](#), [§](#)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. [Effective March 14, 2019](#), [§](#)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. [Effective March 1, 2020](#), [§](#)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. [Effective March 1, 2020](#), [§](#)section 2.7.1.1 of the DSC is amended by adding the words “with a residential customer” after the word “agreement”.

24. [Effective July 1, 2019](#), [§](#)section 2.7.6 of the DSC is revoked.

25. [Effective March 1, 2020](#), [§](#)section 2.7.6A of the DSC is amended by replacing the words “an eligible low-income customer” with “a residential customer”.

26. [Effective March 1, 2020](#), [§](#)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. [Effective March 14, 2019](#), [§](#)section 2.8.2 of the DSC is amended by replacing the words “section 2.8.11.1” with “2.8.1.1”.

28. [Effective March 1, 2020](#), [§](#)section 4.2.1 of the DSC is amended by adding the words “and this Code” after “the Electricity Act”.

29. Effective July 1, 2019, Ssection 4.2.2 of the DSC is amended by replacing the words “if disconnection occurs” in paragraph (d) with “to reconnect service following disconnection”.

~~29.~~30. Effective March 1, 2020, section 4.2.2 of the DSC is amended by replacing the words “section 4.2.4” with “section 4.2.5”.

~~30.~~31. Effective March 14, 2019, Ssection 4.2.2 of the DSC is amended by deleting the words “where applicable” ~~at the beginning of~~from paragraph (i) and adding the following after the word “premises 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.~~32. Effective March 14, 2019, Ssection 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. Effective March 14, 2019, Ssection 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. Effective March 1, 2020, Ssection 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.~~35. Effective March 1, 2020, Ssection 4.2.2.6 of the DSC is amended by replacing the words “10 days”, wherever they appear, with “14 days”.

~~37.~~36. Effective March 1, 2020, Ssection 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.~~37. Effective March 1, 2020, Ssection 4.2.3 of the DSC is amended by replacing the words “10 days” with “14 days”.

~~38.~~Effective March 1, 2020, Ssection 4.2.3.1 of the DSC is amended by replacing the words “third business day” with “fifth calendar day”.

~~40.~~39. Effective March 14, 2019, section 4.2.3.1 of the DSC is amended by replacing the words “a ‘dependent’” with “a ‘dependant’” in paragraph (e).

~~41.~~40. Effective March 1, 2020, Fthe 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 or any other means determined to be appropriate by the distributor.

~~42.~~41. Effective March 1, 2020, Ssection 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.~~42. Effective July 1, 2019, Fthe 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.~~43. Effective July 1, 2019, Ssection 4.2.5.2 of the DSC is amended by deleting the first sentence.

~~45.~~44. Effective July 1, 2019, Ssection 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~~ a residential 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.

~~46-45.~~ Effective March 1, 2020, 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 ~~athe~~ 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.

~~47-46.~~ [Effective March 14, 2019, S](#)sections 9.6 and 9.7 of the DSC are revoked.

~~48-47.~~ [Effective July 1, 2019, T](#)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 [for the purposes of the Consumer Complaint Response Process](#).

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.

Attachment B (Part 1)

to

Notice of Amendments to Codes and a Rule

March 14, 2019

EB-2017-0183

**Amendments to the
Standard Supply Service Code (SSSC)**

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

1. Effective March 14, 2019, section 1.2.1 of the SSSC is amended 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 “first term commencement date”

“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. Effective March 1, 2020, section 2.6.2 of the SSSC is replaced with the following:

2.6.2 A distributor shall offer to all non-seasonal residential customers and general service < 50kW customers receiving standard supply an equal monthly payment plan option.

The above equal monthly payment plan option shall meet the following minimum requirements:

(a) *a distributor may only refuse to provide an equal monthly payment plan option to a non-seasonal residential customer that is in arrears on payment to the distributor for electricity charges, as defined in the Distribution System Code, and that has not entered into an arrears payment agreement with the distributor;*

(b) *a distributor may only refuse to provide an equal monthly payment plan option to a general service < 50kW customer that:*

i) *has fewer than 12 months’ billing history;*

ii) *is in arrears on payment to the distributor for electricity charges, as defined in the Distribution System Code, or whose participation in the equal monthly payment plan in the past 12 months was cancelled due to non-payment; or*

iii) *has a consumption pattern that is not sufficiently predictable to be estimated on an annual basis with any reasonable degree of accuracy;*

(c) *a distributor shall communicate the availability of an equal monthly payment plan to eligible customers at least twice in each 12 month period through the customer's preferred method of communication, if known, or otherwise by mail or any other means determined to be appropriate by the distributor;*

(d) *a distributor shall offer to a residential customer requesting an equal monthly payment plan a pre-authorized automatic monthly payment option whereby amounts due each month are automatically withdrawn from the customer's account with a financial institution;*

(e) *a distributor may cancel the equal monthly payment plan if the customer misses more than one monthly payment under the equal monthly payment plan within an equal payment year;*

(f) *subject to paragraph 2.6.2(g), the equal monthly payment plan shall provide for annual reconciliation of the plan as follows:*

i) *while a customer may join an equal monthly payment plan at any time during the calendar year, the distributor is only required to reconcile all of its equal monthly payment plans once during the calendar year and not on the 12th month anniversary since each individual customer joined the plan;*

ii) *in the first year of an equal monthly payment plan and where the customer has been on the plan for less than 12 months, the customer may receive a reconciliation earlier than the 12th month anniversary, as a result of subparagraph i);*

iii) *while a distributor is only required to reconcile equal monthly payment plans on an annual basis, a distributor shall review its equal monthly payment plans quarterly or semi-annually and adjust the equal monthly payment amounts in the event of material changes in a customer's electricity consumption or a customer's electricity charges as defined in section 2.6.2A(a);*

iv) *despite subparagraph iii), a distributor may adjust the equal monthly payment amounts at any time in the event of material changes in a customer's electricity consumption or a customer's electricity charges as defined in section 2.6.2A(a) or for any other reason with the customer's consent;*

v) *where the annual reconciliation demonstrates that funds are owing to the customer in an amount that is less than the customer's average monthly billing amount, the distributor shall credit the amount to the customer's account;*

vi) *where the annual reconciliation demonstrates that funds are owing to the customer in an amount that is equal to or exceeds the customer's average monthly billing amount, the distributor shall credit the amount to the customer's account and advise the customer that the customer may contact the distributor within 10 days of the date of the bill to request a refund of the overpayment by cheque instead and the distributor shall make payment within 11 days of the customer's request;*

vii) *where the annual reconciliation demonstrates that funds are owing by the customer in an amount that is less than the customer's average monthly billing amount, the distributor may collect the full amount owed by a corresponding charge on the bill issued to the customer in the 12th month of the equal monthly payment plan; and*

viii) *where the annual reconciliation demonstrates that funds are owing by the customer in an amount that is equal to or exceeds the customer's average monthly billing, the distributor shall roll over the balance due to the following year's equal monthly payment plan and recover the balance over the first 11 months of the following year's equal monthly billing plan; and*

(g) *where a customer leaves the equal monthly payment plan for any reason, the distributor shall conduct a reconciliation and shall include any funds owing by or to the customer as a charge or credit on the next regularly scheduled bill issued to the customer.*

3. Effective March 1, 2020, section 2.6.2A of the SSSC is replaced with the following:

2.6.2A For the purposes of section 2.6.2:

(a) *A customer's average monthly billing amount shall be calculated by taking the aggregate of the total electricity charges billed to the customer*

in the preceding 12 months, and dividing that value by 12. If the customer has been receiving service from the distributor for less than 12 months, the customer's average monthly billing amount shall be based on a reasonable estimate made by the distributor. For the purposes of this section, "electricity charges" has the same meaning as in section 2.6.6.3 of the Distribution System Code.

(b) Despite paragraph (a), the distributor may adjust the average monthly billing amount calculated under that paragraph upward or downward if, in the distributor's reasonable opinion (based on, for example, a Board-approved rate change, or an estimate provided by the consumer), the amount calculated is likely to be materially different than the consumer's actual average monthly billing amount over the next 12 months.

(c) The equalized monthly payment amount shall include all "electricity charges" as defined in section 2.6.6.3 of the Distribution System Code.

4. Effective March 1, 2020, sections 2.6.2B and 2.6.2C of the SSSC are revoked.

Attachment B (Part 2)

to

Notice of Amendments to Codes and a Rule

March 14, 2019

EB-2017-0183

**Amendments to the
Standard Supply Service Code (SSSC)**

**Comparison Version of Final Amendments to the SSSC relative to the December 2018
Proposed Amendments
(for information purposes only)**

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

1. Effective March 14, 2019, section 1.2.1 of the SSSC is amended 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 “first term
commencement date”

*“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;*

~~1.2.~~ Effective March 1, 2020, section 2.6.2 of the SSSC is replaced with the following:

*2.6.2 A distributor shall offer to all non-seasonal residential customers and
general service < 50kW customers receiving standard supply an equal monthly
~~billing~~payment plan option.*

*The above equal monthly ~~billing~~payment plan option shall meet the following
minimum requirements:*

(a) *a distributor may only refuse to provide an equal monthly
~~billing~~payment plan option to a non-seasonal residential customer that is
in arrears on payment to the distributor for electricity charges, as defined
in the Distribution System Code, and that has not entered into an arrears
payment agreement with the distributor;*

(b) a distributor may only refuse to provide an equal monthly billing payment plan option to a general service < 50kW customer that:

- i) has fewer than 12 months' billing history;
- ii) is in arrears on payment to the distributor for electricity charges, as defined in the Distribution System Code, or whose participation in the equal monthly billing payment plan in the past 12 months was cancelled due to non-payment; or
- iii) has a consumption pattern that is not sufficiently predictable to be estimated on an annual basis with any reasonable degree of accuracy;

(c) a distributor shall communicate the availability of an~~offer an~~ equal monthly billing payment plan to eligible customers at least twice in each 12 month period through the customer's preferred method of communication, if known, or otherwise by mail or any other means determined to be appropriate by the distributor;

(d) a distributor shall offer to a residential customer requesting an equal monthly billing payment plan a pre-authorized automatic monthly payment option whereby amounts due each month are automatically withdrawn from the customer's account with a financial institution;

(e) a distributor may cancel the equal monthly billing payment plan if the customer misses more than one monthly payment under the equal monthly billing payment plan within an equal billing payment year;

(f) subject to paragraph 2.6.2(g), the equal monthly billing payment plan shall provide for annual reconciliation of the plan as follows:

- i) while a customer may join an equal monthly billing payment plan at any time during the calendar year, the distributor is only required to reconcile all of its equal monthly billing payment plans once during the calendar year and not on the 12th month anniversary since each individual customer joined the plan;
- ii) in the first year of an equal monthly billing payment plan and where the customer has been on the plan for less than 12 months, the customer may receive a reconciliation earlier than the 12th month anniversary, as a result of subparagraph i);
- iii) while a distributor is only required to reconcile equal monthly billing payment plans on an annual basis, a distributor shall review

its equal monthly *billing payment* plans quarterly or semi-annually and adjust the equal monthly *billing payment* amounts in the event of material changes in a customer's electricity consumption or a customer's electricity charges as defined in section 2.6.2A(a);

iv) despite subparagraph iii), a distributor may adjust the equal monthly *billing payment* amounts at any time in the event of *material extraordinary* changes in a customer's electricity consumption or a customer's electricity charges as defined in section 2.6.2A(a) or for any other reason with the customer's consent;

v) where the annual reconciliation demonstrates that funds are owing to the customer in an amount that is less than the customer's average monthly billing amount, the distributor shall credit the amount to the customer's account;

vi) where the annual reconciliation demonstrates that funds are owing to the customer in an amount that is equal to or exceeds the customer's average monthly billing amount, the distributor shall credit the amount to the customer's account and advise the customer that the customer may contact the distributor within 10 days of the date of the bill to request a refund of the overpayment by cheque instead and the distributor shall make payment within 11 days of the customer's request;

vii) where the annual reconciliation demonstrates that funds are owing by the customer in an amount that is less than the customer's average monthly billing amount, the distributor may collect the full amount owed by a corresponding charge on the bill issued to the customer in the 12th month of the equal monthly *billing payment* plan; and

viii) where the annual reconciliation demonstrates that funds are owing by the customer in an amount that is equal to or exceeds the customer's average monthly billing, the distributor shall roll over the balance due to the following year's equal monthly *billing payment* plan and recover the balance over the first 11 months of the following year's equal monthly billing plan; and

(g) where a customer leaves the equal monthly *billing payment* plan for any reason, the distributor shall conduct a reconciliation and shall include any funds owing by or to the customer as a charge or credit on the next regularly scheduled bill issued to the customer.

2.3. Effective March 1, 2020, Ssection 2.6.2A of the SSSC is replaced with the following:

2.6.2A For the purposes of section 2.6.2:

(a) A customer's average monthly billing amount shall be calculated by taking the aggregate of the total electricity charges billed to the customer in the preceding 12 months, and dividing that value by 12. If the customer has been receiving service from the distributor for less than 12 months, the customer's average monthly billing amount shall be based on a reasonable estimate made by the distributor. For the purposes of this section, "electricity charges" has the same meaning as in section 2.6.6.3 of the Distribution System Code.

(b) Despite paragraph (a), the distributor may adjust the average monthly billing amount calculated under that paragraph upward or downward if, in the distributor's reasonable opinion (based on, for example, a Board-approved rate change, or an estimate provided by the consumer), the amount calculated is likely to be materially different than the consumer's actual average monthly billing amount over the next 12 months.

(c) The equalized monthly ~~billing~~ payment amount shall include all "electricity charges" as defined in section 2.6.6.3 of the Distribution System Code.

~~3.4.~~ Effective March 1, 2020, Ssections 2.6.2B and 2.6.2C of the SSSC are revoked.

Attachment C (Part 1)

to

Notice of Amendments to Codes and a Rule

March 14, 2019

EB-2017-0183

**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. Effective March 14, 2019, 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. Effective July 1, 2019, the following new section 3.3.2A is added immediately after section 3.3.2:

3.3.2.A 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 for the purposes of the Consumer

Complaint Response Process;

3. Effective July 1, 2019, sections 3.3.3 and 3.3.4 of the USMC are 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 resolved 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.

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.

4. Effective July 1, 2019, the following new sections 3.3.5 to 3.3.12 are added to the USMC immediately after section 3.3.4:

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 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. Effective March 1, 2020, section 4.1.3 of the USMC is amended by replacing the number “5” with the number “3”.
6. Effective March 1, 2020, 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 residential consumer who has not been served by the unit sub-meter provider in the previous 24 months, 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. Effective March 14, 2019, section 4.1.14C of the USMC is amended by adding the word “a” between the words “requests” and “refund”.
8. Effective March 14, 2019, 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. Effective March 14, 2019, 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 consumer'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. Effective March 1, 2020, section 4.2.5F of the USMC is amended by replacing the words "11 days" with "14 days".
11. Effective March 1, 2020, section 4.2.5.H of the USMC is amended by replacing the words "10 days" with "14 days".
12. Effective March 1, 2020, section 4.2.5I of the USMC is amended by replacing the words "11 days" with "14 days".
13. Effective March 14, 2019, section 4.2.6 is amended by replacing the period after the word "elapsed" with a colon.
14. Effective March 1, 2020, section 4.2.6 is amended by replacing the words "10 days" with "14 days".
15. Effective March 1, 2020, section 4.2.6A is amended by replacing the words "third business day" with "fifth calendar day".
16. Effective March 14, 2019, section 4.2.6A is amended by replacing the words "a 'dependent'" with "a 'dependant'" in paragraph (e).
17. Effective March 1, 2020, 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 or any other means determined to be appropriate by the distributor.

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.

18. Effective March 1, 2020, section 4.5.3 of the USMC is amended by replacing the words "16 days" with "20 days".

19. Effective March 14, 2019, section 4.5.6 of the USMC is amended by deleting the word “charges” the second time it appears.
20. Effective March 14, 2019, section 4.5.7 of the USMC is revoked.
21. Effective March 14, 2019, section 4.5.8 of the USMC is amended by deleting the words “or 4.5.7”.
22. Effective March 14, 2019, 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”.
23. Effective March 1, 2020, 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.
24. Effective March 14, 2019, 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”.
25. Effective March 14, 2019, 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.*”
26. Effective March 1, 2020, 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.
27. Effective March 1, 2020, section 4.6.3 of the USMC is amended by adding the words “with a residential consumer” immediately after the word “agreement”.
28. Effective March 1, 2020, section 4.6.19 of the USMC is amended by replacing the words “a residential electricity consumer” with “a consumer”, 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)”.

29. Effective March 14, 2019, sections 5.1 and 5.7 of the USMC are revoked.

Attachment C (Part 2)

to

Notice of Amendments to Codes and a Rule

March 14, 2019

EB-2017-0183

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

**Comparison Version of Final Amendments to the USMC relative to the December
2018 Proposed Amendments
(for information purposes only)**

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

1. [Effective March 14, 2019, S](#)ection 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. [Effective July 1, 2019, T](#)he following new section 3.3.2A is added immediately after section 3.3.2:

[3.3.2A](#) *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 for the purposes of the Consumer Complaint Response Process;

3. Effective July 1, 2019, Ssections 3.3.3 and 3.3.4 of the USMC are 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~~ resolved 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.*

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.

4. Effective July 1, 2019, Fthe following new sections 3.3.5~~4~~ to 3.3.12 are added to the USMC immediately after section 3.3.3~~4~~:

~~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. [Effective March 1, 2020](#), ~~S~~section 4.1.3 of the USMC is amended by replacing the number "5" with the number "3".
6. [Effective March 1, 2020](#), ~~T~~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 who has not been served by the unit sub-meter provider in the previous 24 months, 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. [Effective March 14, 2019](#), ~~S~~section 4.1.14C of the USMC is amended by adding the word "a" between the words "requests" and "refund".
8. [Effective March 14, 2019](#), ~~S~~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. Effective March 14, 2019, Ssection 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~~ consumer'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. Effective March 1, 2020, Ssection 4.2.5F of the USMC is amended by replacing the words "11 days" with "14 days".

11. Effective March 1, 2020, Ssection 4.2.5.H of the USMC is amended by replacing the words "10 days" with "14 days".

12. Effective March 1, 2020, Ssection 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".~~

13. Effective March 14, 2019, Ssection 4.2.6 is amended by replacing the period after the word "elapsed" with a colon.

14. Effective March 1, 2020, section 4.2.6 is amended, ~~and~~ by replacing the words "10 days" with "14 days".

~~14-15.~~ Effective March 1, 2020, Ssection 4.2.6A is amended by replacing the words "third business day" with "fifth calendar day".

16. Effective March 14, 2019, section 4.2.6A is amended by replacing the words "a 'dependent'" with "a 'dependant'" in paragraph (e).

~~15-17.~~ Effective March 1, 2020, Tthe 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 or any other means determined to be appropriate by the distributor.*

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.*

~~16-18.~~ Effective March 1, 2020, ~~S~~section 4.5.3 of the USMC is amended by replacing the words "16 days" with "20 days".

~~17-19.~~ Effective March 14, 2019, ~~S~~section 4.5.6 of the USMC is amended by deleting the word "charges" the second time it appears.

~~18-20.~~ Effective March 14, 2019, ~~S~~section 4.5.7 of the USMC is revoked.

~~19-21.~~ Effective March 14, 2019, ~~S~~section 4.5.8 of the USMC is amended by deleting the words "or 4.5.7".

~~20-22.~~ Effective March 14, 2019, ~~S~~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".

~~21-23.~~ Effective March 1, 2020, ~~T~~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.

~~22-24.~~ Effective March 14, 2019, ~~S~~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".

~~23-25.~~ Effective March 14, 2019, ~~S~~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*."

~~24-26.~~ Effective March 1, 2020, ~~S~~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.

~~25-27.~~ Effective March 1, 2020, §section 4.6.3 of the USMC is amended by adding the words “with a residential consumer” immediately after the word “agreement”.

~~26-28.~~ Effective March 1, 2020, §section 4.6.19 of the USMC is amended by replacing the words “a residential electricity consumer” with “a consumer”, 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)”.

~~27-29.~~ Effective March 14, 2019, §sections 5.1 and 5.7 of the USMC are revoked.

Attachment D (Part 1)

to

Notice of Amendments to Codes and a Rule

March 14, 2019

EB-2017-0183

**Amendments to the
Gas Distribution Access Rule**

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

1. Effective March 14, 2019, section 1.1.1 of the Gas Distribution Access Rule is amended by deleting the word “and” after the second bullet point and adding the following two bullet points:
 - *establish customer service rules for rate-regulated gas distributors; and*
 - *establish a consumer complaint response process for rate-regulated gas distributors*

2. Effective March 14, 2019, section 1.2.1 of the Gas Distribution Access Rule is amended by adding the following definitions, in alphabetical order:

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

“disconnect/collect trip” means a visit to a consumer’s premises by an employee or agent of the gas distributor to demand payment of an outstanding amount or to shut off distribution of gas to the consumer for non-payment;

“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;

“non-residential consumer” means a consumer in a premises that is not a residential property;

“residential consumer” means a consumer in a residential property;

“residential property” means a single family residence or a dwelling unit within a multiple family dwelling or a premises that is used for business purposes that also includes a dwelling unit consuming at least half of the gas supplied to the premises;

3. Effective March 1, 2020, the heading of section 8 of the Gas Distribution Access Rule is amended by replacing the words “Standards and Practices” with the word “Policy”.
4. Effective March 1, 2020, section 8.1.2 of the Gas Distribution Access Rule is amended by deleting the word “and” after paragraph (g), adding the word “and” after paragraph (h), and adding the following new paragraph (i) at the end of the section:

(i) late payments, including the date from which any Board-approved late payment charges apply.
5. Effective March 1, 2020, sections 8.2.2, 8.3.2, 8.3.3, 8.3.4, and 8.3.5 of the Gas Distribution Access Rule are revoked.
6. Effective July 1, 2019, section 8.4.2 of the Gas Distribution Access Rules is revoked.
7. The Gas Distribution Access Rule is amended by adding the following new section 9, which is effective March 1, 2020, except for sections 9.1, 9.6.21, and 9.6.23, which are effective July 1, 2019:

9. CUSTOMER SERVICE RULES

9.1 General

9.1.1 This section 9 applies only to rate-regulated gas distributors, and only in respect of low volume consumers.

9.2 Security Deposits

9.2.1 A gas distributor shall ensure that its Customer Service Policy includes the gas distributor’s security deposit policy which shall be consistent with the provisions of this Rule. A gas distributor’s security deposit policy shall include at a minimum the following:

- (a) a list of all potential types/forms of security accepted;*
- (b) a detailed description of how the amount of security is calculated;*
- (c) limits on the amount of security required;*
- (d) the planned frequency, process and timing for updating security deposits;*
- (e) criteria consumers must meet to have the security deposit waived and/or returned; and*
- (f) methods of enforcement where a security deposit is not paid.*

9.2.2 *In managing consumers' non-payment risk, a gas distributor shall not discriminate among consumers with similar risk profiles or risk related factors except where expressly permitted under this Rule.*

9.2.3 *A gas distributor may require a security deposit from a consumer who is not billed by a competitive gas vendor under gas vendor-consolidated billing unless the consumer has a good payment history of one year in the case of a residential consumer, or three years in the case of a non-residential consumer. The time period that makes up the good payment history must be the most recent period of time and some of the time period must have occurred in the previous 24 months. A gas distributor shall provide a consumer with the specific reasons for requiring a security deposit from the consumer.*

9.2.4 *Before requiring a security deposit under section 9.2.3 from a residential consumer who has not been served by the gas distributor in the previous 24 months, a gas distributor shall offer the consumer the option of enrolling in an equal monthly payment plan, a pre-authorized payment plan, or both, and where the consumer elects to enroll, no security deposit shall be required.*

9.2.5 *Despite section 9.2.4, a gas distributor may require a security deposit from the consumer if within 12 months of enrollment in an equal monthly payment plan, a pre-authorized payment plan, or both,*

(a) the consumer terminates the plan;

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

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

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

(e) in the case of an equal monthly payment plan, the plan has been cancelled due to non-payment by the consumer.

9.2.6 *Section 9.2.5 does not apply if any of the events listed in paragraphs (b) to (e) of that section occurred due to an error by the gas distributor.*

9.2.7 *For the purposes of section 9.2.3, a consumer is deemed to have a good payment history unless, during the relevant time period set out in section 9.2.3, the consumer has received more than one disconnection notice from the gas distributor, more than one cheque given to the gas distributor has been returned for insufficient funds, more than one pre-authorized payment to the gas distributor has been returned for insufficient funds, a disconnect/collect trip has occurred or the gas distributor had to apply a security deposit in accordance with section 9.2.30 and required the consumer to repay the security deposit in accordance with section 9.2.31. If any of the preceding events occur due to an error by the gas distributor, the consumer's good payment history shall not be affected.*

9.2.8 *Despite section 9.2.3, a gas distributor shall not require a security deposit where:*

- (a) a consumer provides a letter from another gas distributor or electricity distributor in Canada confirming a good payment history with that distributor for the most recent relevant time period set out in section 9.2.3 where some of the time period which makes up the good payment history has occurred in the previous 24 months;*
- (b) a consumer provides a satisfactory credit check made at the consumer's expense; or*
- (c) an eligible low-income customer has requested a waiver under section 9.2.9.*

9.2.9 When issuing a bill for a security deposit in accordance with section 9.2.3, the gas distributor shall advise a residential consumer that the security deposit requirement will be waived for an eligible low-income customer upon request. The gas distributor shall notify the consumer by means of a bill insert, bill message, letter or outgoing telephone message and shall include the gas distributor's contact information where the consumer can obtain further information and a referral to a LEAP Intake Agency to review the consumer's low-income eligibility.

9.2.10 Where a gas distributor is advised by a LEAP Intake Agency that the agency is assessing the consumer for eligibility as a low-income customer, the due date for payment of the security deposit shall be extended for at least 21 days pending the eligibility decision of the LEAP Intake Agency.

9.2.11 The maximum amount of a security deposit which a gas distributor may require a consumer to pay shall be calculated by multiplying the gas distributor's billing cycle factor and the consumer's estimated bill (which shall be based on the consumer's average monthly load with the gas distributor during the most recent 12 consecutive months within the past two years). Where relevant usage information is not available for the consumer for 12 consecutive months within the past two years or where the gas distributor does not have systems capable of making the above calculation, the consumer's average monthly load shall be based on a reasonable estimate made by the gas distributor.

9.2.12 Subject to section 9.2.2, a gas distributor may in its discretion reduce the amount of a security deposit which it requires a consumer to pay for any reason including where the consumer pays under an interim payment arrangement and where the consumer makes pre-authorized payments.

9.2.13 For the purposes of section 9.2.11, the billing cycle factor is 2.5 if the consumer is billed monthly, 1.75 if the consumer is billed bi-monthly and 1.5 if the consumer is billed quarterly.

9.2.14 Where a consumer, other than a residential consumer, has a payment history which discloses more than one disconnection notice in a relevant 12 month period, the gas distributor may use that consumer's highest actual or estimated monthly load for the

most recent 12 consecutive months within the past two years for the purposes of making the calculation of the maximum amount of security deposit under section 9.2.11.

9.2.15 The form of payment of a security deposit for a residential consumer shall be cash or cheque at the discretion of the consumer or such other form as is acceptable to the gas distributor.

9.2.16 The form of payment of a security deposit for a non-residential consumer shall be cash, cheque or an automatically renewing, irrevocable letter of credit from a bank as defined in the Bank Act, S.C. 1991, c. 46 at the discretion of the consumer. The gas distributor may also accept other forms of security such as surety bonds and third party guarantees.

9.2.17 A gas distributor shall permit a non-residential consumer to provide a security deposit in equal installments paid over a period of at least four months. The consumer may elect to pay the security deposit over a shorter time period.

9.2.18 A gas distributor shall permit a residential consumer to provide a security deposit in equal installments paid over a period of at least six months, including where a new security deposit is required due to the gas distributor having applied the existing security deposit against amounts owing under section 9.2.30. The consumer may elect to pay the security deposit over a shorter period of time.

9.2.19 Interest shall accrue monthly on security deposits made by way of cash or cheque commencing on receipt of the total deposit required by the gas distributor. The interest rate shall be at the average over the period of the prime business rate set by the Bank of Canada less two percent. The interest accrued shall be paid out at least once every 12 months or on return of the security deposit to the consumer's account or upon the closure of the consumer's account, whichever comes first, and may be paid by crediting the account of the consumer or otherwise.

9.2.20 A gas distributor shall review every consumer's security deposit at least once in a calendar year to determine whether the entire amount of the security deposit is to be returned to the consumer as the consumer is now in a position that it would be exempt from paying a security deposit under section 9.2.3 or 9.2.8 had it not already paid a security deposit or whether the amount of the security deposit is to be adjusted based on a re-calculation of the maximum amount of the security deposit under section 9.2.11.

9.2.21 For the purposes of section 9.2.20, where a residential consumer has paid a security deposit in installments, a gas distributor shall conduct a review of the consumer's security deposit in the calendar year in which the anniversary of the first installment occurs and thereafter at the next review as required by this Rule.

9.2.22 A gas distributor shall respond promptly to a consumer 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 gas distributor undertake a review to determine whether the entire amount of the security deposit is to be returned to the consumer as

the consumer is now in a position that it would be exempt from paying a security deposit under section 9.2.3 or 9.2.8 had it not already paid a security deposit or whether the amount of the security deposit is to be adjusted based on a re-calculation of the maximum amount of the security deposit under section 9.2.11.

9.2.23 For the purposes of section 9.2.22, where a residential consumer has paid a security deposit in installments, the consumer shall not be entitled to request a review of the security deposit until 12 months after the first installment was paid.

9.2.24 A gas distributor shall give notice to all residential consumers, at least annually, that any residential consumer that qualifies as an eligible low-income customer may request and receive a refund of any security deposit previously paid to the gas distributor by the consumer, after application of the security deposit to any outstanding arrears on the consumer's account.

9.2.25 Where an eligible low-income customer requests a refund of a security deposit previously paid to a gas distributor by the customer, the gas distributor shall advise the customer within 10 days of the request that the balance remaining after application of the security deposit to any outstanding arrears will be credited to his or her account where the remaining amount is less than one month's average billing or, where the remaining amount is equal to or greater than one month's average billing, the customer may elect to receive the refund by cheque and the gas distributor shall issue a cheque within 11 days of the customer requesting payment by cheque.

9.2.26 Where the gas distributor determines in conducting a review under section 9.2.20 or 9.2.22 that some or all of the security deposit is to be returned to the consumer, the gas distributor shall promptly return this amount to the consumer by crediting the consumer's account or otherwise. Despite section 9.2.17, where the gas distributor determines in conducting a review under section 9.2.20 or 9.2.22 that the maximum amount of the security deposit is to be adjusted upwards, the gas distributor may require the consumer to pay this additional amount at the same time as that consumer's next regular bill comes due.

9.2.27 Despite section 9.2.26, where a residential consumer is required to adjust the security deposit upwards, a gas distributor shall permit the consumer to pay the adjustment amount in equal installments paid over a period of at least six months. A consumer may elect to pay the security deposit over a shorter period of time.

9.2.28 Within six weeks of the closure of a consumer's account, a gas distributor shall return any security deposit that was received from the consumer, subject to the gas distributor's right to use the security deposit to set off other amounts owing by the consumer to the gas distributor.

9.2.29 Despite sections 9.2.20, 9.2.22, 9.2.26, 9.2.28, and 9.2.32, where all or part of a security deposit has been paid by a third party on behalf of a consumer, the gas distributor shall return the amount of the security paid by the third party, including

interest, where applicable, to the third party. This obligation shall apply where and to the extent that:

- (a) the third party paid all or part (as applicable) of the security deposit directly to the gas distributor;*
- (b) the third party has requested, at the time the security deposit was paid or within a reasonable time thereafter, that the gas distributor return all or part (as applicable) of the security deposit to it rather than to the consumer; and*
- (c) there is not then any amount overdue for payment by the consumer that the gas distributor is permitted by this Rule to offset using the security deposit.*

9.2.30 A gas distributor shall not issue a disconnection notice to a residential consumer for non-payment unless the gas distributor has first applied any security deposit held on account for the consumer against any amounts owing at that time and the security deposit was insufficient to cover the total amount owing.

9.2.31 Where a gas distributor applies all or part of a security deposit to offset amounts owing by a residential consumer under section 9.2.30, the gas distributor may request that the consumer repay the amount of the security deposit that was so applied. The gas distributor shall allow the residential consumer to repay the security deposit in installments in accordance with section 9.2.27.

9.2.32 A gas distributor shall apply a security deposit to the final bill prior to the change in service where a consumer changes from system gas to a competitive gas vendor that uses gas vendor-consolidated billing or a consumer changes billing options from gas distributor-consolidated billing to split billing or gas vendor-consolidated billing. A gas distributor shall promptly return any remaining amount of the security deposit to the consumer. A gas distributor shall not pay any portion of a consumer's security deposit to a gas vendor. Where a change is made from gas distributor-consolidated billing to split billing, a gas distributor may retain a portion of the security deposit amount that reflects the non-payment risk associated with the new billing option.

9.3 Bill Issuance and Payment

9.3.1 A gas distributor shall include on each bill issued to a consumer the date on which the bill is printed.

9.3.2 Except as otherwise permitted by this Rule, a gas distributor shall not treat a bill issued to a consumer as unpaid, and shall not impose any late payment or other charges associated with non-payment, until the applicable minimum payment period set out in section 9.3.3 has elapsed.

9.3.3 For the purposes of section 9.3.2, the minimum payment period shall be 20 days from the date on which the bill was issued to the consumer. A gas distributor may provide for longer minimum payment periods, provided that any such longer minimum payment periods are documented in the gas distributor's Customer Service Policy.

9.3.4 For the purposes of section 9.3.3, a bill will be deemed to have been issued to a consumer:

- (a) if sent by mail, on the third day after the date on which the bill was printed by the gas distributor;
- (b) if made available over the internet, on the date on which an e-mail is sent to the consumer notifying the consumer that the bill is available for viewing over the internet;
- (c) if sent by e-mail, on the date on which the e-mail is sent; or
- (d) if sent by more than one of the methods listed in paragraphs (a) to (c), on whichever date of deemed issuance occurs last.

9.3.5 A gas distributor shall apply the following rules for purposes of determining the date on which payment of a bill has been received from a consumer:

- (a) if paid by mail, three days prior to the date on which the gas distributor receives the payment;
- (b) if paid at a financial institution or electronically, on the date on which the payment is acknowledged or recorded by the consumer's financial institution; or
- (c) if paid by credit card issued by a financial institution, on the date and at the time that the charge is accepted by the financial institution.

9.3.6 Where a bill issued to a residential consumer includes charges for goods or services other than gas, a gas distributor shall allocate any payment made by the consumer first to the gas charges and then, if funds are remaining, to the charges for other goods or services.

9.3.7 Where payment on account of a bill referred to in section 9.3.6 is sufficient to cover gas charges, security deposits and billing adjustments, the gas distributor shall not impose late payment charges, issue a disconnection notice or disconnect gas supply.

9.3.8 Where payment on account of a bill referred to in section 9.3.6 is not sufficient to cover gas charges, security deposits and billing adjustments, the gas distributor shall allocate the payments in the following order: gas charges, payments towards an arrears payment agreement, outstanding security deposit, under-billing adjustments and non-gas charges.

9.3.9 Despite sections 9.3.6 and 9.3.8, where a residential consumer requests that a payment be allocated in a manner other than that specified in those sections, the gas distributor may, but is not required to, allocate the payment in the manner requested.

9.3.10 For the purposes of this section 9.3, a gas distributor shall apply the following rules relating 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 the time for doing an act expires on a day that is not a business day, the act may be done on the next day that is a business day;*
- (c) *where an act, other than payment by a consumer, occurs on a day that is not a business day, it shall be deemed to have occurred on the next business day;*
- (d) *where an act, other than payment by a consumer, occurs after 5:00 p.m., it shall be deemed to have occurred on the next business day; and*
- (e) *receipt of a payment by a consumer is effective on the date that the payment is made, including payments made after 5:00 p.m.*

9.4 Equal Monthly Payment Plan

9.4.1 *A gas distributor shall offer to all low volume consumers receiving system gas an equal monthly payment plan option that meets the following minimum requirements:*

- (a) *a gas distributor may only refuse to provide an equal monthly payment plan option to a residential consumer who is in arrears on payment to the gas distributor for gas charges and who has not entered into an arrears payment agreement with the gas distributor;*
- (b) *a gas distributor may only refuse to provide an equal monthly payment plan option to a non-residential consumer:*
 - i) *who has fewer than 12 months' billing history;*
 - ii) *is in arrears on payment to the gas distributor for gas charges or whose participation in the equal monthly payment plan in the past 12 months was cancelled due to non-payment; or*
 - iii) *whose consumption pattern is not sufficiently predictable to be estimated on an annual basis with any reasonable degree of accuracy;*
- (c) *a gas distributor shall communicate the availability of an equal monthly payment plan to eligible consumers at least twice in each 12 month period through the consumer's preferred method of communication, if known, or otherwise by mail or any other means determined to be appropriate by the gas distributor;*
- (d) *a gas distributor shall offer to a residential consumer requesting an equal monthly payment plan a pre-authorized automatic monthly payment option whereby amounts due each month are automatically withdrawn from the consumer's account with a financial institution;*
- (e) *a gas distributor may cancel the equal monthly payment plan if the consumer misses more than one monthly payment under the equal monthly payment plan within an equal payment year;*
- (f) *subject to paragraph (g), the equal monthly payment plan shall provide for annual reconciliation of the plan as follows:*
 - i) *while a consumer may join an equal monthly payment plan at any time during the calendar year, the gas distributor is only required to reconcile*

- all of its equal monthly payment plans once during the calendar year and not on the 12th month anniversary since each each individual consumer joined the plan;*
- ii) in the first year of an equal monthly payment plan and where the consumer has been on the plan for less than 12 months, the consumer may receive a reconciliation earlier than the 12th month anniversary, as a result of sub-paragraph i);*
 - iii) while a gas distributor is only required to reconcile equal monthly payment plans on an annual basis, a gas distributor shall review its equal monthly payment plans quarterly or semi-annually and adjust the equal monthly payment amounts in the event of material changes in a consumer's gas consumption or a consumer's gas charges;*
 - iv) despite subparagraph iii), a gas distributor may adjust the equal monthly payment amounts at any time in the event of material changes in a consumer's gas consumption or a consumer's gas charges or for any other reason with the consumer's consent;*
 - v) where the annual reconciliation demonstrates that funds are owing to the consumer in an amount that is less than the consumer's average monthly billing amount, the gas distributor shall credit the amount to the consumer's account;*
 - vi) where the annual reconciliation demonstrates that funds are owing to the consumer in an amount that is equal to or exceeds the consumer's average monthly billing amount, the gas distributor shall credit the amount to the consumer's account and advise the consumer that the consumer may contact the gas distributor within 10 days of the date of the bill to request a refund of the overpayment by cheque instead and the gas distributor shall make payment within 11 days of the consumer's request;*
 - vii) where the annual reconciliation demonstrates that funds are owing by the consumer in an amount that is less than the consumer's average monthly billing amount, the gas distributor may collect the full amount owed by a corresponding charge on the bill issued to the consumer in the 12th month of the equal monthly payment plan, and*
 - viii) where the annual reconciliation demonstrates that funds are owing by the consumer in an amount that is equal to or exceeds the consumer's average monthly billing, the gas distributor shall roll over the balance due to the following year's equal monthly payment plan and recover the balance over the first 11 months of the following year's equal monthly payment plan; and*
- (g) where a consumer leaves the equal monthly payment plan for any reason, the gas distributor shall conduct a reconciliation and shall include any funds owing by or to the consumer as a charge or credit on the next regularly scheduled bill issued to the consumer.*

9.4.2 For the purposes of section 9.4.1:

- (a) A consumer's average monthly billing amount shall be calculated by taking the aggregate of the total gas charges billed to the consumer in the preceding 12 months, and dividing that value by 12. If the consumer has been receiving service from the gas distributor for less than 12 months, the consumer's average monthly billing amount shall be based on a reasonable estimate made by the gas distributor.
- (b) Despite paragraph (a), the gas distributor may adjust the average monthly billing amount calculated under that paragraph upward or downward if, in the gas distributor's reasonable opinion (based on, for example, a Board-approved rate change, or an estimate provided by the consumer), the amount calculated is likely to be materially different than the consumer's actual average monthly billing amount over the next 12 months.

9.5 Arrears Payment Agreements

9.5.1 A gas distributor shall make available to any low volume consumer who is unable to pay their outstanding gas charges the opportunity to enter into an arrears payment agreement with the gas distributor. In respect of residential consumers, the arrears payment agreement shall include, at a minimum, the terms and conditions specified in sections 9.5.3 to 9.5.16 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.

9.5.2 If a gas distributor enters into discussions with a residential consumer and offers an arrears payment agreement but the consumer declines to enter into an arrears payment agreement, the gas distributor may proceed with disconnection and is not required to offer an arrears payment agreement to such a consumer after disconnection.

9.5.3 Before entering into an arrears payment agreement with a residential consumer under this section 9.5, a gas distributor shall apply any security deposit held on account of the consumer against any gas charges owing at the time.

9.5.4 As part of the arrears payment agreement, a gas distributor may require that the consumer pay a down payment of up to 15% of the gas charges arrears accumulated, inclusive of any applicable late payment charges but excluding other service charges, when entering into the arrears management program.

9.5.5 Where an eligible low-income customer enters into an arrears payment agreement for the first time or subsequent to having successfully completed a previous arrears payment agreement as an eligible low-income customer, a gas distributor may require

that the customer pay a down payment of up to 10% of the gas charges arrears accumulated, inclusive of late payment charges.

9.5.6 The arrears payment agreement referred to in section 9.5.1 shall allow the residential consumer to pay all remaining gas charges that are then overdue for payment as well as the current bill amount if the consumer elects to do so, after applying a security deposit under section 9.5.3 and the down payment referred to in section 9.5.4, including all gas-related service charges that have accrued to the date of the agreement, over the following periods:

- (a) a period of at least five months, where the total amount of the gas charges remaining overdue for payment is less than twice the residential consumer's average monthly billing amount;*
- (b) a period of at least 10 months, where the total amount of the gas charges remaining overdue for payment is equal to or exceeds twice the residential consumer's average monthly billing amount;*
- (c) in the case of an eligible low-income customer, a period of at least eight months, where the total amount of the gas charges remaining overdue for payment exceeds two times the customer's average monthly billing amount;*
- (d) in the case of an eligible low-income customer, a period of at least 12 months where the total amount of the gas charges remaining overdue for payment exceeds two times the customer's average monthly billing amount and is less than or equal to five times the customer's average monthly billing amount; or*
- (e) in the case of an eligible low-income customer, a period of at least 16 months where the total amount of the gas charges remaining overdue for payment exceeds five times the customer's average monthly billing amount.*

9.5.7 For the purposes of section 9.5.6, the consumer's average monthly billing amount shall be calculated by taking the aggregate of the total gas charges billed to the consumer in the preceding 12 months and dividing that value by 12. If the consumer has been a customer of the gas distributor for less than 12 months, the consumer's average monthly billing amount shall be based on a reasonable estimate made by the gas distributor.

9.5.8 Where a residential consumer defaults on more than one occasion in making a payment in accordance with an arrears payment agreement, or a payment on account of a current gas charge billing, a security deposit amount or an under-billing adjustment, the gas distributor may cancel the arrears payment agreement.

9.5.9 If the gas distributor cancels an arrears payment agreement pursuant to section 9.5.8, the gas distributor shall give written notice of cancellation to the consumer and to any third party designated by the consumer under section 9.5.10 at least 10 days before the effective date of the cancellation.

9.5.10 Where, at the time of entering into an arrears payment agreement a residential consumer has designated a third party to receive notice of cancellation of the arrears payment agreement, the gas distributor shall provide notice of cancellation to such third party.

9.5.11 A gas distributor shall accept electronic mail (e-mail) or telephone communications from the residential consumer for the purposes of section 9.5.10.

9.5.12 If the residential consumer makes payment of all amounts due pursuant to the arrears payment agreement as of the cancellation date referred to in section 9.5.9 and makes such payment on or before the cancellation date, the gas distributor shall reinstate the arrears payment agreement.

9.5.13 Where an eligible low-income customer defaults on more than two occasions in making a payment in accordance with an arrears payment agreement, or a payment on account of a current gas charge billing or an under-billing adjustment, the gas distributor may cancel the arrears payment agreement.

9.5.14 For the purposes of sections 9.5.8 and 9.5.13, the defaults must occur over a period of at least two months before the gas distributor may cancel the arrears payment agreement.

9.5.15 A gas distributor shall make available to a residential gas consumer a second arrears payment agreement if the consumer so requests, provided that two years or more have passed since a first arrears payment agreement was entered into and provided that the consumer performed his or her obligations under the first arrears payment agreement.

9.5.16 The gas distributor is not required to waive any Board-approved late payment charges that accrue to the date of the arrears payment agreement but no further late payment charges may be imposed on a residential consumer after he or she has entered into an arrears payment agreement with the gas distributor in respect of the amount that is the subject of that agreement.

9.5.17 In the case of an eligible low-income customer, the gas distributor shall allow such a customer to enter into a subsequent arrears payment agreement upon successful completion of the previous arrears payment agreement on the following terms:

- (a) if a second or subsequent arrears payment agreement is requested less than 12 months from the date of completion of the previous arrears payment agreement, then the standard arrears payment agreement terms applicable to all residential consumers under sections 9.5.1 to 9.5.9 also apply to the eligible low-income customer; or
- (b) if a second or subsequent arrears payment agreement is requested 12 months or more from the date of completion of the previous arrears payment agreement, the eligible low-income customer shall be entitled to the arrears payment

agreement terms set out in sections 9.5.5, 9.5.6(c), 9.5.6(d), 9.5.6(e), 9.5.13, and 9.5.14.

9.5.18 *The gas distributor shall not disconnect the property of a residential consumer for failing to make a payment subject to an arrears payment agreement unless the consumer is in default, according to sections 9.5.8, 9.5.13 and 9.5.14, and the gas distributor has cancelled the arrears payment agreement in accordance with the provisions of this Rule.*

9.5.19 *In the event a consumer failed to perform their obligations under a previous arrears payment agreement and the gas distributor terminated the agreement pursuant to section 9.5.8 (in the case of a residential consumer) or otherwise (in the case of a non-residential consumer), the gas distributor may require that the consumer wait one year after termination of the previous agreement before entering into another arrears payment agreement with the gas distributor.*

9.6 Disconnection and Reconnection

9.6.1 *A gas distributor shall establish a process for disconnection and reconnection that specifies timing and means of notification consistent with this Rule. In developing physical and business practices for reconnection, a gas distributor shall consider safety and reliability as primary requirements. A gas distributor shall document its business process for disconnection in respect of residential consumers in its Customer Service Policy.*

9.6.2 *A gas distributor that intends to disconnect, pursuant to section 59 of the Public Utilities Act, R.S.O. 1990, c. P.52, the property of a residential consumer for non-payment shall send or deliver a disconnection notice to the consumer that contains, at a minimum, the following information:*

- (a) the date on which the disconnection notice was printed by the gas distributor;*
- (b) the earliest and latest dates on which disconnection may occur, in accordance with sections 9.6.12 and 9.6.7;*
- (c) the amount that is then overdue for payment, including all applicable late payment and other charges associated with non-payment to that date;*
- (d) the amount of any approved service charge(s) that may apply to reconnect service following disconnection, and the circumstances in which each of these charges is payable;*
- (e) the forms of payment that the consumer may use to pay all amounts that are identified as overdue in the disconnection notice, which must at least include payment by credit card issued by a financial institution as described in section 9.6.16 and any other method of payment that the gas distributor ordinarily*

accepts and which can be verified within the time period remaining before disconnection;

- (f) the time period during which any given form of payment listed under paragraph (e) will be accepted by the gas distributor;*
- (g) that, in order to avoid disconnection if the gas distributor attends at the consumer's property to execute the disconnection, a consumer will only be able to pay by credit card issued by a financial institution, unless the gas distributor, in its discretion, will accept other forms of payment at that time and sets out the other forms of payment in the disconnection notice;*
- (h) that a disconnection may take place whether or not the consumer is at the premises (provided, however, that this information need not be included if the gas distributor does not in fact disconnect service when the consumer is not at the premises);*
- (i) that a Vital Services By-Law may exist in the consumer's community and that the consumer should contact their local municipality for more information (provided, however, that this information need not be included if in fact such a by-law does not exist);*
- (j) that a Board-prescribed standard arrears management program and equal monthly payment plan option may be available to all residential consumers, along with contact information for the gas distributor where the consumer can obtain further information;*
- (k) that the following additional assistance may be available to an eligible low-income customer, along with contact information for the gas distributor where the customer can obtain further information about the additional assistance:
 - i. a Board-prescribed arrears management program, and other expanded customer service provisions, specifically for eligible low-income customers; and*
 - ii. Emergency Financial Assistance; and**
- (l) any additional option(s) that the gas distributor chooses, in its discretion, to offer to the consumer to avoid disconnection and the deadline for the consumer to avail himself or herself of such option(s).*

9.6.3 A gas distributor that sends or delivers to a consumer a disconnection notice for non-payment shall not include that notice in the same envelope as a bill or any other documentation emanating from the gas distributor.

9.6.4 A gas distributor shall, at the request of a residential consumer, send a copy of any disconnection notice issued to the consumer for non-payment to a third party designated by the consumer for that purpose provided that the request is made no later

than the last day of the applicable minimum notice period set out in section 9.6.12. In such a case:

- (a) the gas distributor shall notify the third party that the third party is not, unless otherwise agreed with the gas distributor, responsible for the payment of any charges for the provision of gas service in relation to the consumer's property; and
- (b) the rules set out in sections 9.3.4 and 9.3.10 shall apply, with such modifications as the context may require, for the purposes of determining the date of receipt of the disconnection notice by the third party.

9.6.5 A residential consumer may, at any time prior to disconnection, designate a third party to also receive any future notice of disconnection and the gas distributor shall send notice of disconnection to such third party.

9.6.6 A gas distributor shall accept electronic mail (e-mail) or telephone communications from the consumer for purposes of section 9.6.5.

9.6.7 A disconnection notice issued for non-payment shall expire on the date that is 14 days from the last day of the applicable minimum notice period referred to in section 9.6.12, determined in accordance with the rules set out in section 9.3.10. A gas distributor may not thereafter disconnect the property of the consumer for non-payment unless the gas distributor issues a new disconnection notice in accordance with section 9.6.2.

9.6.8 A gas distributor shall make reasonable efforts to contact, in person or by telephone, a residential consumer to whom the gas distributor has issued a disconnection notice for non-payment at least 48 hours prior to the scheduled date of disconnection. At that time, the gas distributor shall:

- (a) advise the consumer of the scheduled date for disconnection;
- (b) if applicable, advise the consumer that a disconnection may take place whether or not the consumer is at the premises;
- (c) advise that the consumer has the option to pay amounts owing by credit card issued by a financial institution, in addition to other forms of payment that the gas distributor will accept at that time and which can be verified within the time period remaining before disconnection; and advise during what hours such payments may be made;
- (d) advise the consumer that, if the gas distributor attends at the consumer's property to execute the disconnection, the consumer will only be able to pay by credit card issued by a financial institution, unless the gas distributor, in its discretion, will accept other forms of payment at that time;

- (e) *advise the consumer that a Board-prescribed standard arrears management program and equal monthly payment plan option may be available to all residential consumers; the gas distributor must be prepared to enter into an arrears payment agreement at that time if the consumer is eligible under section 9.5;*
- (f) *advise that the following additional assistance may be available to an eligible low-income customer, along with contact information for the gas distributor where the customer can obtain further information about the additional assistance:*
 - i) *a Board-prescribed arrears management program, and other expanded customer service provisions, specifically for eligible low-income customers; and*
 - ii) *Emergency Financial Assistance; and*
- (g) *advise the consumer of any additional option(s) that the gas distributor, in its discretion, wishes to offer to the consumer to avoid disconnection.*

9.6.9 Where a gas distributor issues a disconnection notice for non-payment in respect of the disconnection of a multi-unit, master-metered building, the gas distributor shall post a copy of the disconnection notice in a conspicuous place on or in the building promptly after issuance of the notice.

9.6.10 A gas distributor shall suspend any disconnection action for a period of 21 days from the date of notification by a LEAP Intake Agency that it is assessing a residential consumer for the purposes of determining whether the consumer is eligible to receive such assistance, provided such notification is made within 14 days from the date on which the disconnection notice is received by the consumer. Where a residential consumer had requested prior to the issuance of the disconnection notice that the gas distributor also provide a copy of any disconnection notice to a third party, the gas distributor shall suspend any disconnection action for a period of 21 days from the date of notification by the third party that he, she or it is attempting to arrange assistance with the bill payment, provided such notification is made within 14 days from the date on which the disconnection notice is received by the consumer.

9.6.11 Despite section 9.6.10, upon notification by a LEAP Intake Agency that a consumer is not eligible to receive such assistance, or if another third party who was considering the provision of bill assistance decides not to proceed, the gas distributor may continue its disconnection process. Gas distributors will have up to 14 days to act on the previous disconnection notice and must make a further reasonable effort to contact the consumer in accordance with section 9.6.8 prior to executing disconnection.

9.6.12 A gas distributor shall not disconnect a consumer for non-payment until the following minimum notice periods have elapsed:

- (a) 60 days from the date on which the disconnection notice is received by the consumer, in the case of a residential consumer that has provided the gas distributor with documentation from a physician confirming that disconnection poses a risk of significant adverse effects on the physical health of the consumer or on the physical health of the consumer's spouse, dependent family member or other person that regularly resides with the consumer; or
- (b) 14 days from the date on which the disconnection notice is received, in all other cases.

9.6.13 For the purposes of section 9.6.12:

- (a) where a disconnection notice is sent by mail, the disconnection notice shall be deemed to have been received by the consumer on the fifth calendar day after the date on which the notice was printed by the gas distributor;
- (b) where a disconnection notice is delivered by personal service, the disconnection notice shall be deemed to have been received by the consumer on the date of delivery;
- (c) where a disconnection notice is delivered by being posted on the consumer's property, the disconnection notice shall be deemed to have been received by the consumer on the date of such posting;
- (d) "spouse" has the meaning given to it in section 29 of the Family Law Act, R.S.O. 1990, c. F.3;
- (e) "dependent family member" means a "dependant" as defined in section 29 of the Family Law Act, R.S.O. 1990, c. F.3, and also includes a grandparent who, based on need, is financially dependent on the consumer; and
- (f) the gas distributor shall apply the rules relating to the computation of time set out in section 9.3.10.

9.6.14 At least seven days before issuing a disconnection notice for non-payment, a gas distributor shall deliver an account overdue notice to the consumer by the consumer's preferred method of communication, if known, or otherwise by mail or any other means determined to be appropriate by the gas distributor.

9.6.15 A gas distributor may disconnect without notice in accordance with a court order or for emergency, safety or system reliability reasons.

9.6.16 Where a gas distributor has issued a disconnection notice to a residential consumer for non-payment, the gas distributor shall ensure it has the facilities or staff available to permit the consumer to pay all amounts that are then overdue for payment by credit card issued by a financial institution. Subject to section 9.6.17, this payment option must be offered during the regular business hours of the gas distributor, from the

time the disconnection notice is delivered to a residential consumer until the time the gas distributor's staff attends at the consumer's premises to execute the disconnection.

9.6.17 Where a gas distributor attends at a residential consumer's property to execute a disconnection, whether during or after the gas distributor's regular business hours, the gas distributor shall ensure it has the facilities or staff available at that time to permit the consumer to pay all amounts that are then overdue for payment by credit card issued by a financial institution. The gas distributor may, in its discretion, also accept other forms of payment at the time of disconnection.

9.6.18 Where a gas distributor was unsuccessful in its attempt to contact a residential consumer 48 hours before the planned disconnection as required under section 9.6.8, and the gas distributor intends to execute the disconnection by attendance at the consumer's premises, the gas distributor shall make a reasonable attempt to communicate with the consumer, with due regard for the safety and security of the gas distributor's personnel, if the consumer is at the property, to advise that disconnection will be executed and that payment may be made by credit card issued by a financial institution.

9.6.19 A gas distributor shall not disconnect a consumer for non-payment on a day the gas distributor is closed to the public to make payment and/or reconnection arrangements or on the day preceding that day.

9.6.20 The physical process by which a gas distributor disconnects or reconnects shall reflect good utility practice and consider safety as a primary requirement.

9.6.21 Despite section 59 of the Public Utilities Act, R.S.O. 1990, c. P.52, a gas distributor shall not apply any charges for disconnecting a consumer for non-payment.

9.6.22 A gas distributor may recover from the consumer responsible for the disconnection reasonable costs for repairs of the gas distributor's physical assets attached to the property in reconnecting the property.

9.6.23 A gas distributor may recover from a consumer requesting a reconnection any Board approved reconnection charges. The reconnection charges shall be applied only after reconnection has occurred. If a residential consumer is unable to pay the reconnection charges, the gas distributor shall offer reasonable payment arrangements. The gas distributor shall waive the reconnection charges for an eligible low-income customer.

9.7 Winter Disconnection and Reconnection

9.7.1 Subject to section 9.7.3, a gas distributor shall not, during a Disconnection Ban Period:

- (a) *disconnect an occupied residential property solely on the grounds of non-payment; or*
- (b) *issue a disconnection notice in respect of an occupied residential property solely on the grounds of non-payment, provided, however, that the gas distributor may issue a disconnection notice that complies with section 9.6 of this Rule 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.*

Nothing in this section shall preclude the gas distributor from disconnecting an occupied residential property during a Disconnection Ban Period in accordance with all applicable regulatory requirements, including the required disconnection notice, if at the unsolicited request of the consumer given in writing for that Disconnection Ban Period.

9.7.2 Subject to section 9.7.3, a gas 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. Nothing in this section shall require the gas distributor to reconnect an occupied residential property in respect of a Disconnection Ban Period if the consumer gives unsolicited notice to the gas distributor not to do so in writing for that Disconnection Ban Period and has not rescinded that notice.

9.7.3 Nothing in sections 9.7.1 or 9.7.2 shall:

- (a) prevent the gas 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 gas distributor to act in a manner contrary to any applicable and generally accepted safety requirements or standards.*

9.7.4 For the purposes of sections 9.7.1 to 9.7.3:

“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 gas distributor that is:

- (a) inhabited by a residential consumer; or*
- (b) in an uninhabited condition as a result of the property having been disconnected by the gas distributor outside of a Disconnection Ban Period.*

9.7.5 Sections 9.7.1 to 9.7.4 apply despite any other provision of this Rule to the contrary.

9. Effective July 1, 2019, the Gas Distribution Access Rule is amended by adding the following new section 10:

10 CONSUMER COMPLAINT RESPONSE PROCESS

10.1 General

10.1.1 *This section 10 applies only to rate-regulated gas distributors.*

10.2 Definitions

10.2.1 *In this section 10:*

“complaint” means an allegation by a consumer of a breach of an enforceable provision by a gas 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 Act; and

“OEB 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.

10.3 Complaint Response

10.3.1 *After a consumer directly contacts the gas distributor and makes a complaint, if the complaint is not addressed within 10 business days, 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 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.*

10.3.2 *A gas 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 gas distributor shall ensure that the e-mail address is monitored at all times during the gas distributor’s regular business hours.*

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

10.3.4 *If any of the information required under sections 10.3.2 or 10.3.3 changes, the gas 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.*

10.3.5 Where a non-complaint issue from a consumer is forwarded to a gas distributor through the OEB E-Portal, the gas distributor shall respond directly to the consumer, in a timely manner. In such a case, the gas distributor is not required to follow the process set out in sections 10.3.6 to 10.3.9.

10.3.6 Where a complaint is forwarded to a gas distributor through the OEB E-Portal, the gas distributor shall provide, through the OEB E-Portal, a response to the complaint that meets the requirements of section 10.3.7 within:

- (a) two business days of the date of receipt of the complaint, where the complaint relates to any other matter that the Board has, when forwarding the complaint, designated as having an unduly adverse impact on the consumer or consumers more generally (where applicable); or*
- (b) 10 business days of receipt of the complaint in all other cases*

10.3.7 The gas distributor's response referred to in section 10.3.6 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, 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 gas distributor in relation to the complaint.*

10.3.8 Within five business days of being requested to do so, a gas distributor shall provide, through the OEB E-Portal, such additional information beyond the information required by section 10.3.7 regarding the gas distributor's handling of a complaint as may reasonably be required by the Board in order to review and assess the matter.

10.3.9 Where section 10.3.7(f) applies and the steps for implementing the resolution were not all completed at the time the gas distributor provides its response under section 10.3.6, the gas distributor 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.

10.3.10 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.

Attachment D (Part 2)

to

Notice of Amendments to Codes and a Rule

March 14, 2019

EB-2017-0183

**Amendments to the
Gas Distribution Access Rule**

**Comparison Version of Final Amendments to the GDAR relative to the December
2018 Proposed Amendments
(for information purposes only)**

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

1. [Effective March 14, 2019, S](#)section 1.1.1 of the Gas Distribution Access Rule is amended by deleting the word “and” after the second bullet point and adding the following two bullet points ~~at the end of the section~~:

- *establish customer service rules for rate-regulated gas distributors; and*
- *establish a consumer complaint response process for rate-regulated gas distributors*

2. [Effective March 14, 2019, S](#)section 1.2.1 of the Gas Distribution Access Rule is amended by adding the following definitions, in alphabetical order:

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

“disconnect/collect trip” means a visit to a consumer’s premises by an employee or agent of the gas distributor to demand payment of an outstanding amount or to shut off distribution of gas to the consumer for non-payment;

“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;

[“non-residential consumer” means a consumer in a premises that is not a residential property;](#)

“residential consumer” means a consumer in a residential property;

“residential property” means a single family residence or a dwelling unit within a multiple family dwelling or a premises that is used for business purposes that also includes a dwelling unit consuming at least half of the gas supplied to the premises;

3. Effective March 1, 2020, Tthe heading of section 8 of the Gas Distribution Access Rule is amended by replacing the words “Standards and Practices” with the word “Policy”.
4. Effective March 1, 2020, Ssection 8.1.42 of the Gas Distribution Access Rule is amended by deleting the word “and” after paragraph (g), adding the word “and” after paragraph (h), and adding the following new paragraph (i) at the end of the section:
 - (i) *late payments, including the date from which any Board-approved late payment charges apply.*
5. Effective March 1, 2020, Ssections 8.2.2, 8.3.2, 8.3.3, 8.3.4, and 8.3.5, ~~and 8.4.2~~ of the Gas Distribution Access Rule are revoked.
6. Effective July 1, 2019, section 8.4.2 of the Gas Distribution Access Rule is revoked.
7. The Gas Distribution Access Rule is amended by adding the following new ~~section~~ 9, which is effective March 1, 2020, except for sections 9.1, 9.6.21, and 9.6.23, which are effective July 1, 2019; and 10 after section 8:

9. CUSTOMER SERVICE RULES

9.1 General

9.1.1 This section 9 applies only to rate-regulated gas distributors, and only in respect of low volume consumers.

9.2 Security Deposits

9.2.1 A gas distributor shall ensure that its Customer Service Policy includes the gas distributor’s security deposit policy which shall be consistent with the provisions of this Rule. A gas distributor’s security deposit policy shall include at a minimum the following:

- (a) a list of all potential types/forms of security accepted;
- (b) a detailed description of how the amount of security is calculated;
- (c) limits on the amount of security required;
- (d) the planned frequency, process and timing for updating security deposits;
- (e) criteria consumers must meet to have the security deposit waived and/or returned; and
- (f) methods of enforcement where a security deposit is not paid.

9.2.2 In managing consumers' non-payment risk, a gas distributor shall not discriminate among consumers with similar risk profiles or risk related factors except where expressly permitted under this Rule.

9.2.3 A gas distributor may require a security deposit from a consumer who is not billed by a competitive gas vendor under gas vendor-consolidated billing unless the consumer has a good payment history of one year in the case of a residential consumer, or three years in the case of a non-residential consumer. The time period that makes up the good payment history must be the most recent period of time and some of the time period must have occurred in the previous 24 months. A gas distributor shall provide a consumer with the specific reasons for requiring a security deposit from the consumer.

9.2.4 Before requiring a security deposit under section 9.2.3 from a ~~new~~ residential consumer who has not been served by the gas distributor in the previous 24 months, a gas distributor shall offer the consumer the option of enrolling in an equal monthly payment~~billing~~ plan, a pre-authorized payment plan, or both, and where the consumer elects to enroll, no security deposit shall be required.

9.2.5 Despite section 9.2.4, a gas distributor may require a security deposit from the consumer if within 12 months of enrollment in an equal monthly ~~billing~~payment plan, a pre-authorized payment plan, or both,

- (a) the consumer terminates the plan;
- (b) the consumer receives more than one disconnection notice from the gas distributor;
- (c) more than one payment by the consumer has been returned for insufficient funds;
- (d) a disconnect/collect trip has occurred; or
- (e) in the case of an equal monthly ~~billing~~payment plan, the plan has been cancelled due to non-payment by the consumer.

9.2.6 Section 9.2.5 does not apply if any of the events listed in paragraphs (b) to (e) of that section occurred due to an error by the gas distributor.

9.2.7 For the purposes of section 9.2.3, a consumer is deemed to have a good payment history unless, during the relevant time period set out in section 9.2.3, the consumer has received more than one disconnection notice from the gas distributor, more than one cheque given to the gas distributor has been returned for insufficient funds, more than

one pre-authorized payment to the gas distributor has been returned for insufficient funds, a disconnect/collect trip has occurred or the gas distributor had to apply a security deposit in accordance with section 9.2.3~~02~~ and required the consumer to repay the security deposit in accordance with section 9.2.3~~13~~3. If any of the preceding events occur due to an error by the gas distributor, the consumer's good payment history shall not be affected.

9.2.8 Despite section 9.2.3, a gas distributor shall not require a security deposit where:

- (a) a consumer provides a letter from another gas distributor or electricity distributor in Canada confirming a good payment history with that distributor for the most recent relevant time period set out in section 9.2.3 where some of the time period which makes up the good payment history has occurred in the previous 24 months;
- (b) a consumer ~~provides~~ a satisfactory credit check made at the consumer's expense; or
- (c) an eligible low-income customer has requested a waiver under section 9.2.9.

9.2.9 When issuing a bill for a security deposit in accordance with section 9.2.3, the gas distributor shall advise a residential consumer that the security deposit requirement will be waived for an eligible low-income customer upon request. The gas distributor shall notify the consumer by means of a bill insert, bill message, letter or outgoing telephone message and shall include the gas distributor's contact information where the consumer can obtain further information and a referral to a LEAP Intake Agency to review the consumer's low-income eligibility.

9.2.10 Where a gas distributor is advised by a LEAP Intake Agency that the agency is assessing the consumer for eligibility as a low-income customer, the due date for payment of the security deposit shall be extended for at least 21 days pending the eligibility decision of the LEAP Intake Agency.

9.2.11 The maximum amount of a security deposit which a gas distributor may require a consumer to pay shall be calculated by multiplying the gas distributor's billing cycle factor and the consumer's estimated bill (which shall be based on the consumer's average monthly load with the gas distributor during the most recent 12 consecutive months within the past two years). Where relevant usage information is not available for the consumer for 12 consecutive months within the past two years or where the gas distributor does not have systems capable of making the above calculation, the consumer's average monthly load shall be based on a reasonable estimate made by the gas distributor.

9.2.12 Subject to section 9.2.2, a gas distributor may in its discretion reduce the amount of a security deposit which it requires a consumer to pay for any reason including where the consumer pays under an interim payment arrangement and where the consumer makes pre-authorized payments.

9.2.13 For the purposes of section 9.2.11, the billing cycle factor is 2.5 if the consumer is billed monthly, 1.75 if the consumer is billed bi-monthly and 1.5 if the consumer is billed quarterly.

9.2.14 Where a consumer, other than a residential consumer, has a payment history which discloses more than one disconnection notice in a relevant 12 month period, the gas distributor may use that consumer's highest actual or estimated monthly load for the most recent 12 consecutive months within the past two years for the purposes of making the calculation of the maximum amount of security deposit under section 9.2.11.

9.2.15 The form of payment of a security deposit for a residential consumer shall be cash or cheque at the discretion of the consumer or such other form as is acceptable to the gas distributor.

9.2.16 The form of payment of a security deposit for a non-residential ~~low volume~~ consumer shall be cash, cheque or an automatically renewing, irrevocable letter of credit from a bank as defined in the Bank Act, S.C. 1991, c. 46 at the discretion of the consumer. The gas distributor may also accept other forms of security such as surety bonds and third party guarantees.

9.2.17 A gas distributor shall permit ~~at the~~ non-residential ~~low volume~~ consumer to provide a security deposit in equal installments paid over a period of at least four months. ~~A The non-residential low volume~~ consumer may elect, ~~in its discretion, choose~~ to pay the security deposit over a shorter time period.

9.2.18 ~~Despite section 9.2.17, a~~ gas distributor shall permit a residential consumer to provide a security deposit in equal installments paid over a period of at least six months, including where a new security deposit is required due to the gas distributor having applied the existing security deposit against amounts owing under section 9.2.30~~28~~. ~~A The~~ consumer may elect to pay the security deposit over a shorter period of time.

9.2.19 Interest shall accrue monthly on security deposits made by way of cash or cheque commencing on receipt of the total deposit required by the gas distributor. The interest rate shall be at the average over the period of the prime business rate set by the Bank of Canada less two percent. The interest accrued shall be paid out at least once every 12 months or on return of the security deposit to the consumer's account or upon the closure of the consumer's account, whichever comes first, and may be paid by crediting the account of the consumer or otherwise.

9.2.20 A gas distributor shall review every consumer's security deposit at least once in a calendar year to determine whether the entire amount of the security deposit is to be returned to the consumer as the consumer is now in a position that it would be exempt from paying a security deposit under section 9.2.3 or 9.2.8 had it not already paid a security deposit or whether the amount of the security deposit is to be adjusted based on a re-calculation of the maximum amount of the security deposit under section 9.2.11.

9.2.21 For the purposes of section 9.2.20, where a residential consumer has paid a security deposit in installments, a gas distributor shall conduct a review of the consumer's security deposit in the calendar year in which the anniversary of the first installment occurs and thereafter at the next review as required by this Rule.

9.2.22 A gas distributor shall respond promptly to a consumer 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 gas distributor undertake a review to determine whether the entire amount of the security deposit is to be returned to the consumer as the consumer is now in a position that it would be exempt from paying a security deposit under section 9.2.3 or 9.2.8 had it not already paid a security deposit or whether the amount of the security deposit is to be adjusted based on a re-calculation of the maximum amount of the security deposit under section 9.2.11.

9.2.23 For the purposes of section 9.2.22~~19~~, where a residential consumer has paid a security deposit in installments, the consumer shall not be entitled to request a review of the security deposit until 12 months after the first installment was paid.

9.2.24 A gas distributor shall give notice to all residential consumers, at least annually, that any residential consumer that qualifies as an eligible low-income customer may request and receive a refund of any security deposit previously paid to the gas distributor by the consumer, after application of the security deposit to any outstanding arrears on the consumer's account.

9.2.25 Where an eligible low-income customer requests a refund of a security deposit previously paid to a gas distributor by the customer, the gas distributor shall advise the customer within 10 days of the request that the balance remaining after application of the security deposit to any outstanding arrears will be credited to his or her account where the remaining amount ~~is equal to or greater~~ less than one month's average billing or, where the remaining amount is equal to or greater than one month's average billing, the customer may elect to receive the refund by cheque and the gas distributor shall issue a cheque within 11 days of the customer requesting payment by cheque.

9.2.26 Where the gas distributor determines in conducting a review under section 9.2.20 or 9.2.22 that some or all of the security deposit is to be returned to the consumer, the gas distributor shall promptly return this amount to the consumer by crediting the consumer's account or otherwise. Despite section 9.2.17, where the gas distributor determines in conducting a review under section 9.2.20 or 9.2.22 that the maximum amount of the security deposit is to be adjusted upwards, the gas distributor may require the consumer to pay this additional amount at the same time as that consumer's next regular bill comes due.

9.2.27 Despite section 9.2.26~~3~~, where a residential consumer is required to adjust the security deposit upwards, a gas distributor shall permit the consumer to pay the adjustment amount in equal installments paid over a period of at least six months. A consumer may elect to pay the security deposit over a shorter period of time.

9.2.28 *Within six weeks of the closure of a consumer's account, a gas distributor shall return any security deposit that was received from the consumer, subject to the gas distributor's right to use the security deposit to set off other amounts owing by the consumer to the gas distributor.*

9.2.29 *Despite sections 9.2.20, 9.2.22, 9.2.26, 9.2.28, and 9.2.32, where all or part of a security deposit has been paid by a third party on behalf of a consumer, the gas distributor shall return the amount of the security paid by the third party, including interest, where applicable, to the third party. This obligation shall apply where and to the extent that:*

- (a) the third party paid all or part (as applicable) of the security deposit directly to the gas distributor;*
- (b) the third party has requested, at the time the security deposit was paid or within a reasonable time thereafter, that the gas distributor return all or part (as applicable) of the security deposit to it rather than to the consumer; and*
- (c) there is not then any amount overdue for payment by the consumer that the gas distributor is permitted by this Rule to offset using the security deposit.*

9.2.30 *A gas distributor shall not issue a disconnection notice to a residential consumer for non-payment unless the gas distributor has first applied any security deposit held on account for the consumer against any amounts owing at that time and the security deposit was insufficient to cover the total amount owing.*

9.2.31 *Where a gas distributor applies all or part of a security deposit to offset amounts owing by a residential consumer under section 9.2.30, the gas distributor may request that the consumer repay the amount of the security deposit that was so applied. The gas distributor shall allow the residential consumer to repay the security deposit in installments in accordance with section 9.2.~~27~~30.*

9.2.32 *A gas distributor shall apply a security deposit to the final bill prior to the change in service where a consumer changes from system gas to a competitive gas vendor that uses gas vendor-consolidated billing or a consumer changes billing options from gas distributor-consolidated billing to split billing or gas vendor-consolidated billing. A gas distributor shall promptly return any remaining amount of the security deposit to the consumer. A gas distributor shall not pay any portion of a consumer's security deposit to a gas vendor. Where a change is made from gas distributor-consolidated billing to split billing, a gas distributor may retain a portion of the security deposit amount that reflects the non-payment risk associated with the new billing option.*

9.3 Bill Issuance and Payment

9.3.1 *A gas distributor shall include on each bill issued to a consumer the date on which the bill is printed.*

9.3.2 Except as otherwise permitted by this Rule, a gas distributor shall not treat a bill issued to a consumer as unpaid, and shall not impose any late payment or other charges associated with non-payment, until the applicable minimum payment period set out in section 9.3.3 has elapsed.

9.3.3 For the purposes of section 9.3.2, the minimum payment period shall be 20 days from the date on which the bill was issued to the consumer. A gas distributor may provide for longer minimum payment periods, provided that any such longer minimum payment periods are documented in the gas distributor's Customer Service Policy.

9.3.4 For the purposes of section 9.3.3, a bill will be deemed to have been issued to a consumer:

- (a) if sent by mail, on the third day after the date on which the bill was printed by the gas distributor;
- (b) if made available over the internet, on the date on which an e-mail is sent to the consumer notifying the consumer that the bill is available for viewing over the internet;
- (c) if sent by e-mail, on the date on which the e-mail is sent; or
- (d) if sent by more than one of the methods listed in paragraphs (a) to (c), on whichever date of deemed issuance occurs last.

9.3.5 A gas distributor shall apply the following rules for purposes of determining the date on which payment of a bill has been received from a consumer:

- (a) if paid by mail, three days prior to the date on which the gas distributor receives the payment;
- (b) if paid at a financial institution or electronically, on the date on which the payment is acknowledged or recorded by the consumer's financial institution; or
- (c) if paid by credit card issued by a financial institution, on the date and at the time that the charge is accepted by the financial institution.

9.3.6 Where a bill issued to a residential consumer includes charges for goods or services other than gas, a gas distributor shall allocate any payment made by the consumer first to the gas charges and then, if funds are remaining, to the charges for other goods or services.

9.3.7 Where payment on account of a bill referred to in section 9.3.6 is sufficient to cover gas charges, security deposits and billing adjustments, the gas distributor shall not impose late payment charges, issue a disconnection notice or disconnect gas supply.

9.3.8 Where payment on account of a bill referred to in section 9.3.6 is not sufficient to cover gas charges, security deposits and billing adjustments, the gas distributor shall allocate the payments in the following order: gas charges, payments towards an arrears

payment agreement, outstanding security deposit, under-billing adjustments and non-gas charges.

9.3.9 Despite sections 9.3.6 and 9.3.8, where a residential consumer requests that a payment be allocated in a manner other than that specified in those sections, the gas distributor may, but is not required to, allocate the payment in the manner requested.

9.3.10 For the purposes of this section 9.3, a gas distributor shall apply the following rules relating 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 the time for doing an act expires on a day that is not a business day, the act may be done on the next day that is a business day;
- (c) where an act, other than payment by a consumer, occurs on a day that is not a business day, it shall be deemed to have occurred on the next business day;
- (d) where an act, other than payment by a consumer, occurs after 5:00 p.m., it shall be deemed to have occurred on the next business day; and
- (e) receipt of a payment by a consumer is effective on the date that the payment is made, including payments made after 5:00 p.m.

9.4 Equal Monthly Payment~~Billing~~ Plan

9.4.1 A gas distributor shall offer to all low volume consumers receiving system gas an equal monthly billing~~payment~~ plan option that meets the following minimum requirements:

- (a) a gas distributor may only refuse to provide an equal monthly billing~~payment~~ plan option to a residential consumer ~~that~~ who is in arrears on payment to the gas distributor for gas charges and who~~that~~ has not entered into an arrears payment agreement with the gas distributor;
- (b) a gas distributor may only refuse to provide an equal monthly billing~~payment~~ plan option to a non-residential ~~low volume~~ consumer:
 - i) who has fewer than 12 months' billing history;
 - ii) is in arrears on payment to the gas distributor for gas charges or whose participation in the equal monthly billing~~payment~~ plan in the past 12 months was cancelled due to non-payment; or
 - iii) whose consumption pattern is not sufficiently predictable to be estimated on an annual basis with any reasonable degree of accuracy;
- (c) a gas distributor shall communicate the availability of an~~offer an~~ equal monthly billing~~payment~~ plan to eligible consumers at least twice in each 12 month period

through the consumer's preferred method of communication, if known, or otherwise ~~through one or more means that are deemed most effective by the gas distributor in making customers aware of the plan~~ by mail or any other means determined to be appropriate by the gas distributor;

- (d) a gas distributor shall offer to a residential consumer requesting an equal monthly billing payment plan a pre-authorized automatic monthly payment option whereby amounts due each month are automatically withdrawn from the consumer's account with a financial institution;
- (e) a gas distributor may cancel the equal monthly billing payment plan if the consumer misses more than one monthly payment under the equal monthly billing payment plan within an equal billing payment year;
- (f) subject to paragraph (e), the equal monthly billing payment plan shall provide for annual reconciliation of the plan as follows:
 - i) while a consumer may join an equal monthly billing payment plan at any time during the calendar year, the gas distributor is only required to reconcile all of its equal monthly billing payment plans once during the calendar year and not on the 12th month anniversary since each individual consumer joined the plan;
 - ii) in the first year of an equal monthly billing payment plan and where the consumer has been on the plan for less than 12 months, the consumer may receive a reconciliation earlier than the 12th month anniversary, as a result of sub-paragraph i);
 - iii) while a gas distributor is only required to reconcile equal monthly billing payment plans on an annual basis, a gas distributor shall review its equal monthly billing payment plans quarterly or semi-annually and adjust the equal monthly billing payment amounts in the event of material changes in a consumer's gas consumption or a consumer's gas charges;
 - iv) despite subparagraph iii), a gas distributor may adjust the equal monthly billing payment amounts at any time in the event of extraordinary material changes in a consumer's gas consumption or a consumer's gas charges or for any other reason with the consumer's consent;
 - v) where the annual reconciliation demonstrates that funds are owing to the consumer in an amount that is less than the consumer's average monthly billing amount, the gas distributor shall credit the amount to the consumer's account;
 - vi) where the annual reconciliation demonstrates that funds are owing to the consumer in an amount that is equal to or exceeds the consumer's average monthly billing amount, the gas distributor shall credit the amount to the consumer's account and advise the consumer that the consumer may contact the gas distributor within 10 days of the date of the bill to request a refund of the overpayment by cheque instead and the gas distributor shall make payment within 11 days of the consumer's request;

vii) where the annual reconciliation demonstrates that funds are owing by the consumer in an amount that is less than the consumer's average monthly billing amount, the gas distributor may collect the full amount owed by a corresponding charge on the bill issued to the consumer in the 12th month of the equal monthly payment plan, and

~~vii)viii)~~ where the annual reconciliation demonstrates that funds are owing by the consumer in an amount that is equal to or exceeds the consumer's average monthly billing, the gas distributor shall roll over the balance due to the following year's equal monthly ~~billing~~ payment plan and recover the balance over the first 11 months of the following year's equal monthly ~~billing~~ payment plan; and

~~viii) — where a consumer leaves the equal monthly billing plan for any reason, the gas distributor shall conduct a reconciliation and shall include any funds owing by or to the consumer as a charge or credit on the next regularly scheduled bill issued to the consumer.~~

(g) where a consumer leaves the equal monthly payment plan for any reason, the gas distributor shall conduct a reconciliation and shall include any funds owing by or to the consumer as a charge or credit on the next regularly scheduled bill issued to the consumer.

9.4.2 For the purposes of section 9.4.1:

- (a) A consumer's average monthly billing amount shall be calculated by taking the aggregate of the total gas charges billed to the consumer in the preceding 12 months, and dividing that value by 12. If the consumer has been receiving service from the gas distributor for less than 12 months, the consumer's average monthly billing amount shall be based on a reasonable estimate made by the gas distributor.
- (b) Despite paragraph (a), the gas distributor may adjust the average monthly billing amount calculated under that paragraph upward or downward if, in the gas distributor's reasonable opinion (based on, for example, a Board-approved rate change, or an estimate provided by the consumer), the amount calculated is likely to be materially different than the consumer's actual average monthly billing amount over the next 12 months.

9.5 Arrears Payment Agreements

9.5.1 A gas distributor shall make available to any low volume consumer who is unable to pay their outstanding gas charges the opportunity to enter into an arrears payment

agreement with the gas distributor. In respect of residential consumers, the arrears payment agreement shall include, at a minimum, the terms and conditions specified in sections 9.5.3 to 9.5.16 inclusive. In respect of non-residential ~~low volume~~ consumers, an arrears payment agreement need not include those terms and conditions, but shall be offered on reasonable terms.

9.5.2 If a gas distributor enters into discussions with a residential consumer and offers an arrears payment agreement but the consumer declines to enter into an arrears payment agreement, the gas distributor may proceed with disconnection and is not required to offer an arrears payment agreement to such a consumer after disconnection.

9.5.3 Before entering into an arrears payment agreement with a residential consumer under this section 9.5, a gas distributor shall apply any security deposit held on account of the consumer against any gas charges owing at the time.

9.5.4 As part of the arrears payment agreement, a gas distributor may require that the consumer pay a down payment of up to 15% of the gas charges arrears accumulated, inclusive of any applicable late payment charges but excluding other service charges, when entering into the arrears management program.

9.5.5 Where an eligible low-income customer enters into an arrears payment agreement for the first time or subsequent to having successfully completed a previous arrears payment agreement as an eligible low-income customer, a gas distributor may require that the ~~consumer~~customer pay a down payment of up to 10% of the gas charges arrears accumulated, inclusive of late payment charges.

9.5.6 The arrears payment agreement referred to in section 9.5.1 shall allow the residential consumer to pay all remaining gas charges that are then overdue for payment as well as the current bill amount if the consumer elects to do so, after applying a security deposit under section 9.5.3, and the down payment referred to in section 9.5.4, including all gas-related service charges that have accrued to the date of the agreement, over the following periods:

- (a) a period of at least five months, where the total amount of the gas charges remaining overdue for payment is less than twice the residential consumer's average monthly billing amount;
- (b) a period of at least 10 months, where the total amount of the gas charges remaining overdue for payment is equal to or exceeds twice the residential consumer's average monthly billing amount;
- (c) in the case of an eligible low-income customer, a period of at least eight months, where the total amount of the gas charges remaining overdue for payment exceeds two times the ~~eligible low-income~~ customer's average monthly billing amount;
- (d) in the case of an eligible low-income customer, a period of at least 12 months where the total amount of the gas charges remaining overdue for payment

exceeds two times the ~~customer's~~consumer's average monthly billing amount and is less than or equal to five times the ~~customer's~~consumer's average monthly billing amount; or

(e) in the case of an eligible low-income customer, a period of at least 16 months where the total amount of the gas charges remaining overdue for payment exceeds five times the ~~eligible low-income~~customer's average monthly billing amount.

9.5.7 For the purposes of section 9.5.6, the consumer's average monthly billing amount shall be calculated by taking the aggregate of the total gas charges billed to the consumer in the preceding 12 months and dividing that value by 12. If the consumer has been a customer of the gas distributor for less than 12 months, the consumer's average monthly billing amount shall be based on a reasonable estimate made by the gas distributor.

9.5.8 Where a residential consumer defaults on more than one occasion in making a payment in accordance with an arrears payment agreement, or a payment on account of a current gas charge billing, a security deposit amount or an under-billing adjustment, the gas distributor may cancel the arrears payment agreement.

9.5.9 If the gas distributor cancels an arrears payment agreement pursuant to section 9.5.8, the gas distributor ~~shall~~will give written notice of cancellation to the consumer and to any third party designated by the consumer under section 9.5.10 at least 10 days before the effective date of the cancellation.

9.5.10 Where, at the time of entering into an arrears payment agreement a residential consumer has designated a third party to receive notice of cancellation of the arrears payment agreement, the gas distributor shall provide notice of cancellation to such third party.

9.5.11 A gas distributor shall accept electronic mail (e-mail) or telephone communications from the residential consumer for the purposes of section 9.5.10.

9.5.12 If the residential consumer makes payment of all amounts due pursuant to the arrears payment agreement as of the cancellation date referred to in section 9.5.9 and makes such payment on or before the cancellation date, the gas distributor shall reinstate the arrears payment agreement.

9.5.13 Where an eligible low-income customer defaults on more than two occasions in making a payment in accordance with an arrears payment agreement, or a payment on account of a current gas charge billing or an under-billing adjustment, the gas distributor may cancel the arrears payment agreement.

9.5.14 For the purposes of sections 9.5.8 and 9.5.13, the defaults must occur over a period of at least two months before the gas distributor may cancel the arrears payment agreement.

9.5.15 A gas distributor shall make available to a residential gas consumer a second arrears payment agreement if the consumer so requests, provided that two years or more have passed since a first arrears payment agreement was entered into and provided that the consumer performed his or her obligations under the first arrears payment agreement.

9.5.16 The gas distributor is not required to waive any Board-approved late payment charges that accrue to the date of the arrears payment agreement but no further late payment charges may be imposed on a residential consumer after he or she has entered into an arrears payment agreement with the gas distributor in respect of the amount that is the subject of that agreement.

9.5.17 In the case of an eligible low-income customer, the gas distributor shall allow such a customer to enter into a subsequent arrears payment agreement upon successful completion of the previous arrears payment agreement on the following terms:

- (a) if a second or subsequent arrears payment agreement is requested less than 12 months from the date of completion of the previous arrears payment agreement, then the standard arrears payment agreement terms applicable to all residential consumers under sections 9.5.1 to 9.5.9 also apply to the eligible low-income customer; or
- (b) if a second or subsequent arrears payment agreement is requested 12 months or more from the date of completion of the previous arrears payment agreement, the eligible low-income customer shall be entitled to the arrears payment agreement terms set out in sections 9.5.5, 9.5.6(c), 9.5.6(d), 9.5.6(e), 9.5.13~~4~~, and 9.5.14.

9.5.18 The gas distributor shall not disconnect the property of a residential consumer, for failing to make a payment subject to an arrears payment agreement, unless the consumer is in default, according to sections 9.5.8, 9.5.13 and 9.5.14, and the gas distributor has cancelled the arrears payment agreement in accordance with the provisions of this Rule.

9.5.19 In the event a consumer failed to perform their obligations under a previous arrears payment agreement and the gas distributor terminated the agreement pursuant to section 9.5.8 (in the case of a residential consumer) or otherwise (in the case of a non-residential ~~low volume~~ consumer), the gas distributor may require that the consumer wait one year after termination of the previous agreement before entering into another arrears payment agreement with the gas distributor.

9.68 Disconnection and Reconnection

9.68.1 A gas distributor shall establish a process for disconnection and reconnection that specifies timing and means of notification consistent with this Rule. In developing physical and business practices for reconnection, a gas distributor shall consider safety and reliability as ~~a~~ primary requirements. A gas distributor shall document its business process for disconnection in respect of residential consumers in its Customer Service Policy.

9.68.2 A gas distributor that intends to disconnect, pursuant to section 59 of the Public Utilities Act, R.S.O. 1990, c. P.52, the property of a residential consumer for non-payment shall send or deliver a disconnection notice to the consumer that contains, at a minimum, the following information:

- (a) the date on which the disconnection notice was printed by the gas distributor;
- (b) the earliest and latest dates on which disconnection may occur, in accordance with sections 9.68.12 and 9.68.7;
- (c) the amount that is then overdue for payment, including all applicable late payment and other charges associated with non-payment to that date;
- (d) the amount of any approved service charge(s) that may apply to reconnect service following disconnection, and the circumstances in which each of these charges is payable;
- (e) the forms of payment that the consumer may use to pay all amounts that are identified as overdue in the disconnection notice, which must at least include payment by credit card issued by a financial institution as described in section 9.6.164.2.4 and any other method of payment that the gas distributor ordinarily accepts and which can be verified within the time period remaining before disconnection;
- (f) the time period during which any given form of payment listed under paragraph (e) will be accepted by the gas distributor;
- (g) that, in order to avoid disconnection if the gas distributor attends at the consumer's property to execute the disconnection, a consumer will only be able to pay by credit card issued by a financial institution, unless the gas distributor, in its discretion, will accept other forms of payment at that time and sets out the other forms of payment in the disconnection notice;
- (h) that a disconnection may take place whether or not the consumer is at the premises (provided, however, that this information need not be included if the gas distributor does not in fact disconnect service when the consumer is not at the premises);

- (i) *that a Vital Services By-Law may exist in the consumer's community and that the consumer should contact their local municipality for more information (provided, however, that this information need not be included if in fact such a by-law does not exist);*
- (j) *that a Board-prescribed standard arrears management program and equal monthly ~~payment~~ ~~billing~~ plan option may be available to all residential consumers, along with contact information for the gas distributor where the consumer can obtain further information;*
- (k) *that the following additional assistance may be available to an eligible low-income customer, along with contact information for the gas distributor where the customer can obtain further information about the additional assistance:*
 - i. *a Board-prescribed arrears management program, and other expanded customer service provisions, specifically for eligible low-income customers; and*
 - ii. *Emergency Financial Assistance; and*
- (l) *any additional option(s) that the gas distributor chooses, in its discretion, to offer to the consumer to avoid disconnection and the deadline for the consumer to avail himself or herself of such option(s).*

9.68.3 *A gas distributor that sends or delivers to a consumer a disconnection notice for non-payment shall not include that notice in the same envelope as a bill or any other documentation emanating from the gas distributor.*

9.68.4 *A gas distributor shall, at the request of a residential consumer, send a copy of any disconnection notice issued to the consumer for non-payment to a third party designated by the consumer for that purpose provided that the request is made no later than the last day of the applicable minimum notice period set out in section 9.68.12. In such a case:*

- (a) *the gas distributor shall notify the third party that the third party is not, unless otherwise agreed with the gas distributor, responsible for the payment of any charges for the provision of gas service in relation to the consumer's property; and*
- (b) *the rules set out in sections 9.3.4 and 9.3.10 shall apply, with such modifications as the context may require, for the purposes of determining the date of receipt of the disconnection notice by the third party.*

9.68.5 *A residential consumer may, at any time prior to disconnection, designate a third party to also receive any future notice of disconnection and the gas distributor shall send notice of disconnection to such third party.*

9.68.6 A gas distributor shall accept electronic mail (e-mail) or telephone communications from the consumer for purposes of section 9.68.5.

9.68.7 A disconnection notice issued for non-payment shall expire on the date that is 14 days from the last day of the applicable minimum notice period referred to in section 9.68.12, determined in accordance with the rules set out in section 9.3.10. A gas distributor may not thereafter disconnect the property of the consumer for non-payment unless the gas distributor issues a new disconnection notice in accordance with section 9.68.2.

9.68.8 A gas distributor shall make reasonable efforts to contact, in person or by telephone, a residential consumer to whom the gas distributor has issued a disconnection notice for non-payment at least 48 hours prior to the scheduled date of disconnection. At that time, the gas distributor shall:

- (a) advise the consumer of the scheduled date for disconnection;
- (b) if applicable, advise the consumer that a disconnection may take place whether or not the consumer is at the premises;
- (c) advise that the consumer has the option to pay amounts owing by credit card issued by a financial institution, in addition to other forms of payment that the gas distributor will accept at that time and which can be verified within the time period remaining before disconnection; and advise during what hours such payments may be made;
- (d) advise the consumer that, if the gas distributor attends at the consumer's property to execute the disconnection, the consumer will only be able to pay by credit card issued by a financial institution, unless the gas distributor, in its discretion, will accept other forms of payment at that time;
- (e) advise the consumer that a Board-prescribed standard arrears management program and equal monthly payment~~billing~~ plan option may be available to all residential consumers; the gas distributor must be prepared to enter into an arrears payment agreement at that time if the consumer is eligible under section 9.5;
- (f) advise that the following additional assistance may be available to an eligible low-income customer, along with contact information for the gas distributor where the customer can obtain further information about the additional assistance:
 - i) a Board-prescribed arrears management program, and other expanded customer service provisions, specifically for eligible low-income customers; and
 - ii) Emergency Financial Assistance; and

(g) advise the consumer of any additional option(s) that the gas distributor, in its discretion, wishes to offer to the consumer to avoid disconnection.

9.68.9 Where a gas distributor issues a disconnection notice for non-payment in respect of the disconnection of a multi-unit, master-metered building, the gas distributor shall post a copy of the disconnection notice in a conspicuous place on or in the building promptly after issuance of the notice.

9.68.10 A gas distributor shall suspend any disconnection action for a period of 21 days from the date of notification by a LEAP Intake Agency that it is assessing a residential consumer for the purposes of determining whether the consumer is eligible to receive such assistance, provided such notification is made within 14 days from the date on which the disconnection notice is received by the consumer. Where a residential consumer had requested prior to the issuance of the disconnection notice that the gas distributor also provide a copy of any disconnection notice to a third party, the gas distributor shall suspend any disconnection action for a period of 21 days from the date of notification by the third party that he, she or it is attempting to arrange assistance with the bill payment, provided such notification is made within 14 days from the date on which the disconnection notice is received by the consumer.

9.68.11 Despite section 9.68.10, upon notification by a LEAP Intake Agency that a consumer is not eligible to receive such assistance, or if another third party who was considering the provision of bill assistance decides not to proceed, the gas distributor may continue its disconnection process. Gas distributors will have up to 14 days to act on the previous disconnection notice and must make a further reasonable effort to contact the consumer in accordance with section 9.68.8 prior to executing disconnection.

9.68.12 A gas distributor shall not disconnect a consumer for non-payment until the following minimum notice periods have elapsed:

- (a) 60 days from the date on which the disconnection notice is received by the consumer, in the case of a residential consumer that has provided the gas distributor with documentation from a physician confirming that disconnection poses a risk of significant adverse effects on the physical health of the consumer or on the physical health of the consumer's spouse, dependent family member or other person that regularly resides with the consumer; or
- (b) 14 days from the date on which the disconnection notice is received, in all other cases.

9.68.13 For the purposes of section 9.68.12:

- (a) where a disconnection notice is sent by mail, the disconnection notice shall be deemed to have been received by the consumer on the fifth calendar day after the date on which the notice was printed by the gas distributor;

- (b) where a disconnection notice is delivered by personal service, the disconnection notice shall be deemed to have been received by the consumer on the date of delivery;
- (c) where a disconnection notice is delivered by being posted on the consumer's property, the disconnection notice shall be deemed to have been received by the consumer on the date of such posting;
- (d) "spouse" has the meaning given to it in section 29 of the Family Law Act, R.S.O. 1990, c. F.3;
- (e) "dependant family member" means a "dependant" as defined in section 29 of the Family Law Act, R.S.O. 1990, c. F.3, and also includes a grandparent who, based on need, is financially dependant on the consumer; and
- (f) the gas distributor shall apply the rules relating to the computation of time set out in section 9.3.10.

9.68.14 At least seven days before issuing a disconnection notice for non-payment, a gas distributor shall deliver an account overdue notice to the consumer by the consumer's preferred method of communication, if known, or otherwise ~~through one or more means that are deemed most effective by the distributor in making customers aware of the plan~~ by mail or any other means determined to be appropriate by the gas distributor.

9.68.15 A gas distributor may disconnect without notice in accordance with a court order or for emergency, safety or system reliability reasons.

9.68.16 Where a gas distributor has issued a disconnection notice to a residential consumer for non-payment, the gas distributor shall ensure it has the facilities or staff available to permit the consumer to pay all amounts that are then overdue for payment by credit card issued by a financial institution. Subject to section 9.68.17, this payment option must be offered during the regular business hours of the gas distributor, from the time the disconnection notice is delivered to a residential consumer until the time the gas distributor's staff attends at the consumer's premises to execute the disconnection.

9.68.17 Where a gas distributor attends at a residential consumer's property to execute a disconnection, whether during or after the gas distributor's regular business hours, the gas distributor shall ensure it has the facilities or staff available at that time to permit the consumer to pay all amounts that are then overdue for payment by credit card issued by a financial institution. The gas distributor may, in its discretion, also accept other forms of payment at the time of disconnection.

9.68.18 Where a gas distributor was unsuccessful in its attempt to contact a residential consumer 48 hours before the planned disconnection as required under section 9.68.8, and the gas distributor intends to execute the disconnection by attendance at the consumer's premises, the gas distributor shall make a reasonable attempt to

communicate with the consumer, with due regard for the safety and security of the gas distributor's personnel, if the consumer is at the property, to advise that disconnection will be executed and that payment may be made by credit card issued by a financial institution.

9.68.19 A gas distributor shall not disconnect a consumer for non-payment on a day the gas distributor is closed to the public to make payment and/or reconnection arrangements or on the day preceding that day.

9.68.20 The physical process by which a gas distributor disconnects or reconnects shall reflect good utility practice and consider safety as a primary requirement.

9.68.21 Despite section 59 of the Public Utilities Act, R.S.O. 1990, c. P.52, a gas distributor shall not apply any charges for disconnecting a consumer for non-payment.

9.68.22 A gas distributor may recover from the consumer responsible for the disconnection reasonable costs for repairs of the gas distributor's physical assets attached to the property in reconnecting the property.

9.68.23 A gas distributor may recover from ~~the persona~~ consumer requesting ~~at~~ the reconnection any Board approved reconnection charges. The reconnection charges shall be applied only after reconnection has occurred. If a residential consumer is unable to pay the reconnection charges, the gas distributor shall offer reasonable payment arrangements. The gas distributor shall waive the reconnection charges for an eligible low-income customer.

9.79 Winter Disconnection and Reconnection

9.79.1 Subject to section 9.79.3, a gas distributor shall not, during a Disconnection Ban Period:

- (a) disconnect an occupied residential property solely on the grounds of non-payment; or
- (b) issue a disconnection notice in respect of an occupied residential property solely on the grounds of non-payment, provided, however, that the gas distributor may issue a disconnection notice that complies with section 9.68 of this Rule 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.

Nothing in this section shall preclude the gas distributor from disconnecting an occupied residential property during a Disconnection Ban Period in accordance with all applicable regulatory requirements, including the required disconnection notice, if at the unsolicited request of the consumer given in writing for that Disconnection Ban Period.

9.79.2 Subject to section 9.79.3, a gas 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. Nothing in this section shall require the gas distributor to reconnect an occupied residential property in respect of a Disconnection Ban Period if the consumer gives unsolicited notice to the [gas distributor Licensee](#) not to do so in writing for that Disconnection Ban Period and has not rescinded that notice.

9.79.3 Nothing in sections 9.79.1 or 9.79.2 shall:

- (a) prevent the gas 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 gas distributor to act in a manner contrary to any applicable and generally accepted safety requirements or standards.

9.79.4 For the purposes of sections 9.79.1 to 9.79.3:

“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 gas distributor that is:

- (a) inhabited by a residential consumer; or
- (b) in an uninhabited condition as a result of the property having been disconnected by the gas distributor outside of a Disconnection Ban Period.

9.79.5 Sections 9.79.1 to 9.79.4 apply despite any other provision of this Rule to the contrary.

[9. Effective July 1, 2019, the Gas Distribution Access Rule is amended by adding the following new section 10:](#)

10 CONSUMER COMPLAINT RESPONSE PROCESS

10.1 General

10.1.1 This section 10 applies only to rate-regulated gas distributors.

10.2 Definitions

10.2.1 In this section 10:

“complaint” means an allegation by a consumer of a breach of an enforceable provision by a gas 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 Act; and

“OEB 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](#).

10.3 Complaint Response

10.3.1 After a consumer directly contacts the gas distributor and makes a complaint, if the complaint is not addressed within 10 business days, 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 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.

10.3.2 A gas 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 gas distributor shall ensure that the e-mail address is monitored at all times during the gas distributor’s regular business hours.

10.3.3 A gas 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 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.

10.3.4 If any of the information required under sections 10.3.2 or 10.3.3 changes, the gas 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.

10.3.5 Where a non-complaint issue from a consumer is forwarded to a gas distributor through the OEB E-Portal, the gas distributor shall respond directly to the consumer, in a timely manner. In such a case, the gas distributor is not required to follow the process set out in sections 10.3.6 to 10.3.9.

10.3.6 Where a complaint is forwarded to a gas distributor through the OEB E-Portal, the gas distributor shall provide, through the OEB E-Portal, a response to the complaint that meets the requirements of section 10.3.7 within:

- (a) two business days of the date of receipt of the complaint, where the complaint relates to any other matter that the Board has, when forwarding the complaint, designated as having an unduly adverse impact on the consumer or consumers more generally (where applicable); or
- (b) 10 business days of receipt of the complaint in all other cases

10.3.7 *The gas distributor's response referred to in section 10.3.6 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, 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 gas distributor in relation to the complaint.*

10.3.8 *Within five business days of being requested to do so, a gas distributor shall provide, through the OEB E-Portal, such additional information beyond the information required by section 10.3.7 regarding the gas distributor's handling of a complaint as may reasonably be required by the Board in order to review and assess the matter.*

10.3.9 *Where section 10.3.7(f) applies and the steps for implementing the resolution were not all completed at the time the gas distributor provides its response under section 10.3.6, the gas distributor 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.*

10.3.10 *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.*

Attachment E

to

Notice of Amendments to Codes and a Rule

March 14, 2019

EB-2017-0183

Rate Order

**Non-Payment of Account Service Charges for Electricity and
Natural Gas Distributors, Effective July 1, 2019**



Ontario
Energy
Board | Commission
de l'énergie
de l'Ontario

Ontario

RATE ORDER

EB-2017-0183

Non-Payment of Account Service Charges for Electricity and Natural Gas Distributors, Effective July 1, 2019

BEFORE: Lynne Anderson
Presiding Member

March 14, 2019

BACKGROUND

On December 18, 2018, the Ontario Energy Board (OEB) issued a Notice of Proposal to Amend Codes and a Rule and a Notice of Hearing.¹ The OEB proposed a number of amendments to the Distribution System Code (DSC), Standard Supply Service Code (SSSC), Unit Sub-Metering Code (USMC) and Gas Distribution Access Rule (GDAR) related to customer service. The OEB also proposed changes to service charges related to non-payment of accounts, and released a draft rate order for comment.² The proposed revisions to the customer service rules and the service charges followed the release of the *Report of the Ontario Energy Board: Review of Customer Service Rules for Utilities – Phase One*.³

After considering stakeholder comments on the December 18, 2018 Notice, the OEB approved final amendments to the DSC, SSSC, USMC and GDAR on March 14, 2019.

The March 14, 2019 Notice of Amendment⁴ explains the OEB's rationale for revising the non-payment of account charges. These revisions are as follows:

- Clarifying the quantum of the OEB-approved late payment charge: *1.5% per month (effective annual rate 19.56% per annum or 0.04896% compounded daily rate)*.
- Eliminating the Collection of Account Charge that is currently applied by most electricity distributors.
- Eliminating the charge for installing or removing a load control device that is currently applied by electricity distributors that use such devices as an alternative to disconnection.
- Prohibiting electricity and gas distributors from applying a charge to disconnect a customer for non-payment, and clarifying that any previously approved "Disconnect/Reconnect" charge only applies to reconnection.

Changes to both the customer service rules (as set out in the DSC for electricity distributors and GDAR for gas distributors) and the approved rates for electricity and gas distributors are required to implement these revised service charges.

¹ EB-2017-0183, December 18, 2018.

² The Notice explained, "Because the proposed changes to service charges are closely connected to the proposed Code and Rule amendments, and both arise from the OEB's recent review, the OEB is combining both into one process."

³ EB-2017-0183, September 6, 2018.

⁴ EB-2017-0183, March 14, 2019.

The OEB is satisfied that the December 18, 2018 draft rate order is consistent with the final customer service rule amendments approved by the OEB on March 14, 2019. No substantive changes to the draft rate order are required. However, in response to the request from some distributors for more time to implement the changes to the non-payment of account charges, the OEB has extended the effective date from May 1, 2019, as originally proposed, to July 1, 2019.

THE ONTARIO ENERGY BOARD THEREFORE ORDERS THAT:

PART A: ELECTRICITY DISTRIBUTOR NON-PAYMENT OF ACCOUNT CHARGES

1. Effective **July 1, 2019**, despite any previous rate order, no electricity distributor shall apply any charge identified as a “Collection of Account” charge in the distributor’s tariff of rates and charges.
2. Effective **July 1, 2019**, no electricity distributor shall apply any charge identified as an “Install/Remove Load Control Device” charge in the distributor’s tariff of rates and charges.
3. Effective **July 1, 2019**, any reference to “Disconnect/Reconnect” in an electricity distributor’s tariff of rates and charges shall be read as “Reconnection”.
4. Effective **July 1, 2019**, the charge identified in an electricity distributor’s tariff of rates and charges as “Late Payment – per month” is updated as follows:

Late Payment – per month (effective annual rate 19.56% per annum or 0.04896% compounded daily rate)	%	1.50
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5. Effective **July 1, 2019**, the charge identified in an electricity distributor’s tariff of rates and charges as “Late Payment – per annum” is discontinued.

PART B: GAS DISTRIBUTOR NON-PAYMENT OF ACCOUNT CHARGES

1. Effective **July 1, 2019**, despite any previous rate order, no gas distributor shall apply charges for disconnecting a customer’s service for reasons of non-payment and any such previously OEB-approved charge is discontinued.

2. Effective **July 1, 2019**, despite any previous rate order, any previously OEB-approved charges associated with reconnection of a customer who had previously been disconnected for non-payment reasons shall be read as “Reconnection”.
3. Effective **July 1, 2019**, the OEB-approved late payment charge shall be read as 1.50% per month (effective annual rate 19.56% per annum or 0.04896% compounded daily rate).

DATED at Toronto March 14, 2019

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary