



Ontario Energy Board

GAS DISTRIBUTION ACCESS RULE

AMENDED MARCH 14, 2019
(ORIGINALLY ISSUED DECEMBER 11, 2002)

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1. GENERAL AND ADMINISTRATIVE PROVISIONS

1.1 Purpose of this Rule

1.1.1 The purpose of this Rule is to:

- establish conditions of access to gas distribution services provided by a gas distributor;
- establish rules governing the conduct of a gas distributor as such conduct relates to a gas vendor;
- establish Service Quality Requirements for gas distributors;
- establish customer service rules for rate-regulated gas distributors; and
- establish a consumer complaint response process for rate-regulated gas distributors

consistent with the guiding objectives outlined in section 2 of the Act.

1.2 Definitions

1.2.1 In this Rule:

“Act” means the *Ontario Energy Board Act, 1998*, S.O. 1998, c.15, Schedule B;

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

“consumer information” means the data and/or information collected and maintained by a gas distributor pursuant to section 5.1 of this Rule;

“consumer” means a person who uses gas for that person’s own consumption;

“Customer Service Policy” means the document developed by a rate-regulated gas distributor in accordance with chapter 8 of this Rule that describes the customer service-related standards and practices applicable to its residential customers;

“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;

“E.B.O. 188 Report” means the Report of the Board, January 30, 1998 in the Matter of a Hearing to Inquire into, Hear and Determine Matters Relating to

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Natural Gas System Expansion for The Consumers' Gas Company Ltd., Union Gas Limited and Centra Gas Ontario Inc.;

“eligible low-income customer” means a residential gas customer who has been approved by a LEAP Intake Agency for Emergency Financial Assistance;

“Emergency Financial Assistance” means emergency financial assistance under the Low-Income Energy Assistance Program established by the Board;

“franchise area” means the area of the Province of Ontario either, for which a gas distributor holds a Certificate of Public Convenience and Necessity granted by the Board, or in which a gas distributor was supplying gas on April 1, 1933;

“gas distribution system” means the system used to provide gas distribution services;

“gas distribution services” means the services related to the delivery of gas to a consumer, including related safety functions such as emergency leak response, line locates, inspection, and provision of safety information;

“gas distributor” means a person who delivers gas to a consumer;

“gas distributor-consolidated billing” means a method of billing whereby a gas distributor issues a single bill to a consumer setting out the charges for gas distribution services and the charges for the gas commodity;

“gas vendor information” means data and/or information provided by a gas vendor to a gas distributor concerning that gas vendor;

“gas vendor” means a person who,

- sells or offers to sell gas to a consumer,
- acts as the agent or broker for a seller of gas to a consumer, or
- acts or offers to act as the agent or broker of a consumer in the purchase of gas;

“gas vendor-consolidated billing” means a method of billing whereby a gas vendor issues a single bill to a consumer setting out the charges for gas distribution services and the charges for the gas commodity;

“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;

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“LEAP Intake Agency” means a social service agency, municipality or government agency that assesses a customer’s eligibility for Emergency Financial Assistance;

“low volume consumer” means a consumer who annually uses less than 50,000 cubic meters of gas or such other amount as may be prescribed for the purposes of section 2 of the *Energy Consumer Protection Act, 2010*;

“meter” means a device owned or controlled by a gas distributor and used to measure the units of gas consumption which form the basis for billing the consumer;

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

“rate-regulated gas distributor” means a gas distributor whose rates are approved by the Board pursuant to section 36 of the Act;

“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;

“Rule” means this rule entitled the “Gas Distribution Access Rule”;

“Service Agreement” means the agreement more specifically described in section 3.2 of this Rule that sets out certain aspects of the relationship between a gas distributor and a gas vendor;

“Service Transaction Request” or “STR” means a direction to a gas distributor more specifically described in chapter 4 of this Rule;

“split billing” means a method of billing whereby the gas distributor issues a bill to a consumer setting out the charges for gas distribution services, and the gas vendor issues a bill to a consumer setting out the charges for the gas commodity; and

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“system gas” means gas which is sold or available to be sold by a gas distributor to a consumer.

1.3 Consumer’s Agent

- 1.3.1 For the purposes of this Rule, any action required or permitted to be performed by a consumer may be performed by an agent authorized in writing by the consumer.

1.4 Coming into Force

- 1.4.1 This Rule shall come into force on December 11, 2002, subject to subsections 1.4.2., 1.4.3, and 1.4.4. Any amendment to this Rule shall come into force on the date that the Board publishes the amendment by placing it on the Board’s website after it has been made by the Board, except where expressly provided otherwise.
- 1.4.2 Section 3.2 of this Rule shall come into force on January 1, 2007.
- 1.4.3 Chapter 4 of this Rule shall come into force on June 1, 2007.
- 1.4.4 Subsection 6.1.2.3 of this Rule shall come into force on January 1, 2007.
- 1.4.5 Chapter 7 of this Rule shall come into force on January 1, 2007.
- 1.4.6 Chapter 8 of this Rule, together with the amendment to section 1.2.1 to include the definition of “Customer Service Policy”, shall come into force on April 1, 2012.
- 1.4.7 Subsection 8.1.3 and the amendments to subsection 1.2.1 to include the definition of “eligible low-income customer”, “Emergency Financial Assistance” and “social service agency or government agency” shall come into force on January 1, 2013.
- 1.4.8 Sections 4.3.10, 6.1.4 and 6.1.5 come into force on January 1, 2017.

1.5 Exemptions

- 1.5.1 The Board may grant an exemption to any provision of this Rule. An exemption may be made in whole or in part and may be subject to conditions or restrictions.

1.6 Filing Requirements

- 1.6.1 A gas distributor shall provide, in the manner, and form, and by the date determined by the Board, such information as the Board may require.

2. ACCESS TO GAS DISTRIBUTION SERVICES

2.1. Gas Distributor Provides Services

- 2.1.1 A gas distributor shall provide gas distribution services in a non-discriminatory manner.
- 2.1.2 A gas distributor shall respond to all requests for gas distribution services from a person in a timely manner. The gas distributor shall record, at a minimum, the receipt and response dates of each such request.

2.2 Connection to and Expansion of a Gas Distribution System

- 2.2.1 A gas distributor shall connect a building to its gas distribution system in accordance with subsection 42(2) of the Act.
- 2.2.2 A rate-regulated gas distributor shall assess and report on expansion to its gas distribution system in accordance with the guidelines contained in the E.B.O. 188 Report.

2.3. Gas Distributor Record Keeping Responsibilities

- 2.3.1 A gas distributor shall create or obtain, and maintain records relating to the following matters within its franchise area:
 - system configuration;
 - system operating limitations; and
 - documents sufficient to demonstrate compliance with the requirements of this Rule.
- 2.3.2 The gas distributor shall file records described in subsection 2.3.1 of this Rule with the Board, if requested by the Board.

3 GAS DISTRIBUTOR-GAS VENDOR RELATIONS

3.1 General

3.1.1 A gas distributor shall conduct all relations with gas vendors in a non-discriminatory manner.

3.2 Service Agreement

3.2.1 A gas distributor shall enter into a Service Agreement, in a form approved by the Board, with each gas vendor who provides, or advises the gas distributor that it intends to provide, gas supply services to consumers in the gas distributor's franchise area.

3.2.2 A Service Agreement shall, at a minimum, include the following matters:

- the processing of STRs, as required in chapter 4 of this Rule;
- any right of a gas distributor to use consumer information in addition to those circumstances set out in section 5.2 of this Rule;
- any purposes for which the gas distributor may use gas vendor information, as provided for in subsection 3.3.1 of this Rule;
- the specific financial security arrangements between the gas distributor and the gas vendor, in accordance with the requirements of the security arrangements as described in section 3.4 of this Rule;
- terms and conditions of billing arrangements, including payment, interest on overdue accounts, and account finalization procedures;
- events of default, and procedures in the event of default;
- the procedures for finalizing changes in gas supply or billing option, including determination of effective dates;
- a dispute resolution process; and
- the obligation to include any safety information and any other information required by the Board in bills to consumers.

3.2.3 Despite subsection 3.2.1 of this Rule, a gas distributor and a gas vendor may include terms and conditions in their Service Agreement which are different from those in the Board-approved form of Service Agreement, providing none of the terms or conditions in the Service Agreement are in conflict with any rule or order of the Board.

3.2.4 A gas distributor shall file any Service Agreement with the Board, if requested by the Board.

3.3 Gas Vendor Information

3.3.1 Use of Gas Vendor Information

3.3.1.1 A gas distributor shall only use gas vendor information:

- (a) for purposes expressly set out in the Service Agreement; or
- (b) as otherwise authorized by the Board.

3.3.2 Restrictions on Disclosure

3.3.2.1 A gas distributor shall not disclose any data or information acquired by the gas distributor regarding a gas vendor to anyone other than the Board or as otherwise required by law, without the written consent of that gas vendor, unless specifically authorized by the Board.

3.3.2.2 A gas distributor may disclose information that has been sufficiently aggregated such that an individual gas vendor's information cannot reasonably be identified.

3.4 Financial Security Arrangements With Gas Vendors

3.4.1 Financial Security Arrangements

3.4.1.1 A gas distributor's security arrangements with each gas vendor shall be reasonable, and shall include:

- a list of the types of security that may be required;
- a description of how the amount of security is calculated;
- the limits on the amount of security required;
- the planned frequency and timing for updating the security arrangements;
- interest payable on deposits;
- provisions related to the cancellation of security arrangements; and
- conditions of default and realization of the security.

3.4.1.2 A gas distributor shall apply its security policy in a non-discriminatory manner taking into account:

- the type of security;
- the credit-worthiness of the gas vendor; and
- the magnitude of exposure.

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In estimating the magnitude of exposure, a gas distributor shall consider factors such as: the number of consumers served by the gas vendor, the average consumption of consumers served by the gas vendor, the length of the billing cycle, and the type of billing in place (e.g. gas vendor-consolidated, gas distributor-consolidated, or split billing).

3.4.2 *Filing Requirement*

3.4.2.1 A gas distributor shall provide a copy of its security policy to the Board and any other person, if requested.

4 SERVICE TRANSACTION REQUESTS

4.1 General

4.1.1 A gas distributor shall take every reasonable step to ensure that all information concerning consumers in the gas distributor's franchise area, including the identity of the consumer's gas vendor and billing option, is accurate and up-to-date.

4.1.2 This Rule addresses the following types of STRs:

- a change of gas supply from system gas to a gas vendor;
- a change of gas supply from one gas vendor to another gas vendor;
- a change of gas supply from a gas vendor to system gas;
- a change in billing option for a consumer; and
- a change in consumer service address when a gas vendor provides service.

A gas distributor shall process any request for a change or modification in service that is not included in the above list in accordance with the gas distributor's normal business practices.

4.1.3 Nothing in chapter 4 of this Rule shall be interpreted as in any way interfering with the contractual rights or obligations of gas distributors, gas vendors or consumers or the remedies available to gas distributors, gas vendors or consumers to enforce those contractual rights or obligations.

4.2 STR Information Requirements

4.2.1 A gas distributor shall be capable of processing, at a minimum, the following information as part of the STR process:

Consumer Identification Information

- consumer name;
- service address, including postal code, for which the change in service is requested;
- consumer mailing address, including postal code;
- consumer distribution service account number;
- meter identification number;

Gas Vendor Identification Information

- consumer account number with the gas vendor;
- gas vendor account number with the gas distributor;

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Service Transaction Information

- type of STR;
- specific date on which the transfer is requested or the earliest date after which transfer is acceptable to the gas vendor or the consumer;
- proposed method for finalizing the account;
- identification of the intended billing option; and
- new consumer service address, including postal code.

4.3 Processing and Verification

4.3.1 Gas Distributor Obligations

4.3.1.1 A gas distributor shall process STRs in the order in which they are received, and in accordance with the process set out below. The gas distributor shall record, at a minimum, the receipt and response dates of each request.

4.3.2 STR Acceptance

4.3.2.1 A gas distributor shall accept an STR from:

- (a) a consumer:
 - for a change of gas supply for that consumer from a gas vendor to system gas; or
 - for a change in that consumer's service address.
- (b) a consumer's current gas vendor:
 - for a change in billing option for a consumer;
 - for a change of gas supply for a consumer from the gas vendor to system gas pursuant to subsections 4.3.7.4, 4.3.7.5, 4.3.7.6 of this Rule; or
 - for a change in a consumer's service address.
- (c) a consumer's new gas vendor:
 - for a change of gas supply for a consumer from system gas to a gas vendor; or
 - for a change of gas supply for a consumer from one gas vendor to another, including a change in billing option.

4.3.2.2 If an STR is submitted by any other person, the gas distributor may reject the STR, and shall notify the requesting party.

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4.3.3 Initial Screening

4.3.3.1 If a gas distributor has accepted an STR, pursuant to subsection 4.3.2.1 of this Rule, the gas distributor shall determine if the STR has valid entries for the following terms (collectively, the “validation terms”):

- (a) If the consumer has an account number with the gas distributor,
 - the gas vendor’s account number with the gas distributor;
 - the consumer’s account number with the gas distributor; and
 - at least one of:
 - (1) the consumer’s name, and
 - (2) the consumer’s postal code.
- (b) If the consumer does not have an account number with the gas distributor,
 - the gas vendor’s account number with the gas distributor;
 - the consumer’s name; and
 - the consumer’s postal code.

4.3.3.2 A valid entry is an entry that matches the information contained in the gas distributor's information system.

4.3.3.3 If the STR does not contain valid entries for the validation terms, the gas distributor shall reject the STR and shall notify the requesting party.

4.3.3.4 If the STR contains valid entries for the validation terms, and there is not a pending STR with respect to the consumer, the gas distributor shall tag the STR as “pending.”

4.3.3.5 If the STR is for a change in gas supply and there is a pending STR for a change in gas supply, the gas distributor shall reject the STR and notify the requesting party.

4.3.3.6 If the gas distributor determines that any information, in addition to the validation terms, necessary to implement the pending STR is inaccurate or incomplete, the gas distributor shall suspend processing the STR and shall notify the requesting party.

4.3.3.7 A gas distributor shall complete the initial screening process within 14 days of receipt of the STR.

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4.3.4 Additional Information

4.3.4.1 If the requesting party has not provided the necessary information required pursuant to notification in subsection 4.3.3.6 of this Rule, within 30 days from receipt of the STR, the gas distributor shall reject the STR and shall notify the requesting party.

4.3.4.2 The gas distributor shall resume processing the pending STR once the requesting party has provided the gas distributor with all of the necessary information.

4.3.5 Processing a Change from System Gas to a Gas Vendor

Insufficient Security

4.3.5.1 If the gas distributor determines that the gas vendor has insufficient security in place to fulfill its financial security obligations, the gas distributor shall notify the gas vendor, and may suspend processing the STR until the gas vendor has provided sufficient security.

4.3.5.2 The gas distributor shall resume processing the STR when the gas vendor provides sufficient security.

4.3.5.3 The gas distributor may stop processing the STR if the gas vendor has not provided sufficient security within 30 days of the notice given pursuant to section 4.3.5.1 of this Rule.

4.3.5.4 If the gas distributor stops processing the STR, the gas distributor shall notify all affected parties.

Consumer Default

4.3.5.5 A gas distributor shall process the STR of a consumer from system gas to the gas vendor unless the consumer is in default of any obligation to the gas distributor.

4.3.5.6 If the consumer is in default, the gas distributor may suspend processing of the STR and shall notify the requesting party.

4.3.5.7 The gas distributor shall resume processing the STR when the consumer is no longer in default.

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4.3.6 Processing a Change from Current Gas Vendor to New Gas Vendor

Insufficient Security

- 4.3.6.1 If the gas distributor determines that the new gas vendor has insufficient security in place to fulfill its financial security obligations, the gas distributor shall notify the new gas vendor, and may suspend processing the STR until the new gas vendor has provided sufficient security.
- 4.3.6.2 The gas distributor shall resume processing the STR when the new gas vendor provides sufficient security.
- 4.3.6.3 The gas distributor may stop processing the STR if the new gas vendor has not provided sufficient security within 30 days of the notice given pursuant to section 4.3.6.1 of this Rule.
- 4.3.6.4 If the gas distributor stops processing the STR, the gas distributor shall notify all affected parties.

Notification to Current Gas Vendor

- 4.3.6.5 If a gas distributor receives an STR to transfer a consumer from the consumer's current gas vendor to a new gas vendor, and the gas distributor has determined that the new gas vendor has sufficient security, the gas distributor shall notify the current gas vendor of the pending STR.
- 4.3.6.6 The gas distributor shall continue to process the STR unless, within 30 days of the notification set out in subsection 4.3.6.5 of this Rule, the gas distributor receives written authorization from the consumer, the new gas vendor, or the current gas vendor (acting on specific written authorization from the consumer) to stop processing the STR.
- 4.3.6.7 If the gas distributor stops processing the STR, the gas distributor shall notify all affected parties.

4.3.7 Processing a Change from a Gas Vendor to System Gas

Consumer Request

- 4.3.7.1 If a gas distributor receives an STR from a consumer to transfer that consumer from the consumer's current gas vendor to system gas, the gas distributor shall notify the current gas vendor of the pending STR.
- 4.3.7.2 The gas distributor shall continue to process the STR unless, within 14 days of the notification set out in subsection 4.3.7.1 of this Rule, the gas

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distributor receives written authorization from the consumer or the current gas vendor (acting on specific written authorization from the consumer to cancel the consumer's STR) to stop processing the STR.

4.3.7.3 If the gas distributor stops processing the STR, the gas distributor shall notify all affected parties.

Gas Vendor Request

4.3.7.4 A gas distributor shall not process an STR from a consumer's gas vendor unless the consumer's contract with the gas vendor has been terminated due to the consumer's default, or has expired or will expire on or before the proposed transfer date.

4.3.7.5 If a gas distributor receives an STR from a consumer's current gas vendor to transfer that consumer to system gas, the gas distributor shall notify the consumer of the pending STR.

4.3.7.6 A gas distributor shall process the STR unless, within 30 days of the notification set out in subsection 4.3.7.5 of this Rule, the gas distributor receives written direction from the current gas vendor to terminate the transfer.

4.3.8 Processing a Change of Billing Option

4.3.8.1 If the gas distributor determines that the gas vendor has insufficient security in place to fulfill its financial security obligations, the gas distributor shall notify the gas vendor, and may suspend processing the STR until the gas vendor has provided sufficient security.

4.3.9 Processing a Request for Relocation When a Gas Vendor Provides Service

4.3.9.1 If a gas distributor receives an STR from a consumer to terminate service at that consumer's service address, or relocate within the gas distributor's franchise area, the gas distributor shall notify the consumer's current gas vendor that the consumer is terminating service at one location, or relocating to another location within the gas distributor's franchise area, as the case may be.

4.3.10 Notification of Transfer to Low Volume Consumer

Beginning on July 1, 2017, where a gas distributor processes an STR for a change in supply in respect of a low volume consumer under section 4.3.5 or 4.3.6, the gas distributor shall notify the low volume consumer of the transfer in writing using the form of notice approved by the Board. The notice shall be sent

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within 5 business days of the date on which processing of the STR has been completed. The notice must be sent to the low volume consumer separate from any other communication from the gas distributor, including the bill. Subject to any arrangements to the contrary that a gas distributor may have with a low volume consumer in relation to communications, the notice may be sent to the low volume consumer by courier, mail, facsimile or e-mail.

4.4 Notification Requirements

- 4.4.1 Any time a gas distributor rejects, stops or suspends processing an STR, the gas distributor shall include in any notification the specific reasons for the gas distributor taking this action.

4.5 STR Implementation Date

- 4.5.1 The gas distributor shall notify the requesting party of the gas distributor's proposed STR implementation date as soon as practicable.

4.6 Implementation Deadline

- 4.6.1 A gas distributor shall implement the direction contained in an STR in a timely manner, but in any event, no later than 60 days from the date that the gas distributor receives a valid and complete STR, provided that this time limit shall not include the time which elapses while the gas distributor has suspended processing the STR.

4.7 Electronic Business Transaction System

- 4.7.1 A gas distributor shall implement any computer-based transaction mechanism, i.e. Electronic Business Transaction System (EBT) for transmitting common format data among gas distributors and gas vendors, if mandated by the Board.

4.8 Transfer of Consumer to System Gas when a Gas Distributor Terminates a Service Agreement

- 4.8.1 If the gas distributor terminates a Service Agreement with a gas vendor, the gas distributor shall notify the gas vendor and the gas vendor's consumers and shall transfer the consumers to system gas according to a procedure specified by the gas distributor in the notice.

5 CONSUMER INFORMATION

5.1 Description of Consumer Information

5.1.1 The gas distributor shall, at a minimum, create or obtain, and maintain the following information on all consumers who are provided gas distribution services by the gas distributor:

for identification purposes:

- consumer name;
- service address, including postal code;
- consumer mailing address, including postal code;
- consumer distribution service account number;
- meter identification number;

for billing purposes:

- billing address, including postal code;
- gas distribution services contracted for;
- units of consumption, estimated or actual, by billing period;
- meter reading dates;
- dates of bills rendered based on actual meter readings;
- dates of bills rendered based on estimated meter readings;
- dates of bills rendered based on methods other than actual or estimated meter readings;
- method of bill calculation (e.g., equal billing);

for payment profile purposes:

- payment due dates, payment receipt dates;
- number of times the consumer was delinquent or in arrears in the past 24 months;
- maximum credit exposure in the past 24 months;
- number of times the consumer's security arrangements were revised in the past 24 months;

for consumption information:

- 24 months of consumption data by individual distribution service consumed.

5.2 Use of Consumer Information

5.2.1 A gas distributor shall only use consumer information:

- (a) necessary to provide gas distribution services;

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- (b) necessary for system operations;
- (c) necessary to provide system gas;
- (d) for purposes expressly set out in the Service Agreement; or
- (e) as otherwise authorized by the Board.

5.3 Restrictions on Disclosure

- 5.3.1 A gas distributor shall not disclose any data or information acquired by the gas distributor regarding a consumer to anyone other than the Board, or any person as required by law, without the written consent of that consumer, unless specifically authorized by the Board.
- 5.3.2 A gas distributor may disclose information that has been sufficiently aggregated such that an individual consumer's information cannot reasonably be identified.

5.4 Retention of Consumer Information

- 5.4.1 A gas distributor shall, at a minimum, retain consumer information until the later of:
 - (a) 24 months;
 - (b) the period of time required by the Board; and
 - (c) the period of time required by law.

5.5 Release of Information

- 5.5.1 A gas distributor shall provide consumer information with respect to a consumer in accordance with any written direction received from that consumer.
- 5.5.2 The gas distributor shall provide the consumer information as outlined in section 5.1 of this Rule in the format requested by the consumer, if available, or, at a minimum, in hard copy.

5.6 Access to the Meter

- 5.6.1 A gas distributor shall provide a consumer with unfettered access to the meter to be able to interrogate the meter, provided:
 - 5.6.1.1 the device used to interrogate the meter complies with the gas distributor's reasonable technical requirements; and
 - 5.6.1.2 such access to the meter does not interfere with the operation or function of the meter or impair or impede the ability of the gas distributor to read the meter at normally scheduled times.

6 BILLING

6.1 Gas Distributor Obligations

- 6.1.1 For the purposes of bill processing, the gas distributor shall be responsible for the accuracy and completeness of the information which the gas distributor provides and the gas vendor shall be responsible for the accuracy and completeness of the information which the gas vendor provides, according to the terms of the Service Agreement.
- 6.1.2 Gas distributors shall have the ability to accommodate each of the following billing options:
- 6.1.2.1 gas distributor-consolidated billing;
 - 6.1.2.2 split billing; and
 - 6.1.2.3 gas vendor-consolidated billing.
- 6.1.3 In case of gas vendor-consolidated billing and split billing, a gas distributor shall provide the gas vendor with sufficient and timely data and information to enable the gas vendor to issue the bill to the consumer.
- 6.1.4 Beginning on July 1, 2017, in the case of gas distributor-consolidated billing, and despite any Service Agreement, a gas distributor shall, in respect of a low volume consumer that is served by a gas vendor, include, on the part of each bill submitted to the low volume consumer that relates to the commodity price, the phrase "YOU ARE BUYING YOUR GAS FROM", followed by the gas vendor's name in capital letters. The gas distributor shall also include on the bill, immediately following the gas vendor's name, either (a) the gas vendor's toll-free telephone number and website address as provided by the gas vendor; or (b) an asterisk or other symbol of equivalent effect to indicate that the gas distributor has included the gas vendor's toll-free telephone number and website address elsewhere on the bill. A gas distributor may also include the gas vendor's e-mail address as provided by the gas vendor, in which case the e-mail address shall appear immediately following the gas vendor's website address.
- 6.1.5 Despite any Service Agreement, a gas vendor shall provide each applicable gas distributor with the gas vendor's name, toll-free telephone number, website address and e-mail address for the purposes of section 6.1.4.

6.2 Risk of Non-Payment

- 6.2.1 The gas distributor shall bear the risk of consumer non-payment (1) for the entire bill, including the gas commodity for gas distributor-consolidated billing; and (2) for gas distribution services for split billing. A gas distributor shall not bear the risk of consumer non-payment for gas vendor-consolidated billing.

7 SERVICE QUALITY REQUIREMENTS PERFORMANCE AND MEASUREMENT

7.1 General Provisions

7.1.1 The purpose of this section is to establish performance standards and measurements for the natural gas industry in Ontario.

7.2 Identifying Service Quality Requirements

7.2.1 A gas distributor must observe and track its performance with respect to the following list of service quality requirements:

- a) Telephone Answering Performance;
- b) Billing Performance;
- c) Meter Reading Performance;
- d) Service Appointment Response Times;
- e) Gas Emergency Response
- f) Customer Complaint (Written) Response; and
- g) Disconnection/Reconnection.

7.3 Definitions and Performance Measurements

7.3.1 Telephone Answering Performance

Telephone Answering Performance is a service quality indicator that is based on a centralized facility established or outsourced to handle calls and other inquiries from customers. The measurement of this requirement will include the following categories of calls: billing; collections; emergencies; and meter appointments.

Data for the call answer performance measures shall be obtained by monitoring calls on the distributors' telephone systems including the Interactive Voice Response (IVR) system.

7.3.1.1 Call Answering Service Level

The percentage of all calls to the general inquiry phone number, including IVR calls that are answered within 30 seconds. This measure will track the percentage of attempted calls that are satisfied within the IVR or successfully reach a live operator within 30 seconds of reaching the distributor's general inquiry number. The operator must be ready to accept calls and to provide information.

This measurement will be calculated as follows:

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$$\frac{\text{Number of calls reaching a distributor's general inquiry number answered within 30 seconds}}{\text{Number of calls received by a distributor's general inquiry number}}$$

The yearly performance standard for the Call Answering Service Level shall be 75% with a minimum monthly standard of 40%.

7.3.1.2 Abandon Rate

The abandon rate means the percentage of callers who hang up while waiting for a live operator. This measure will track the percentage of callers that hang up before they reach a live operator. This measurement will be calculated as follows:

$$\frac{\text{Number of calls abandoned while waiting for a live agent}}{\text{Total number of calls requesting to speak to a live agent}}$$

The performance for this standard shall not exceed 10% on a yearly basis.

7.3.2 *Billing Performance*

The billing performance standard is a quality assurance standard. The standard requires gas distributors to have a verifiable quality assurance program in place. No specific metric is attached to this requirement.

7.3.2.1 Audits

Distributors must audit their billing data for accuracy. Manual checks must be done to validate data when meter reads fall outside criteria, as set out in the quality assurance program, for excessively high or low usage. In addition, the quality assurance program must include random audits of data quality and billing accuracy.

7.3.3 *Meter Reading Performance*

A distributor may choose to estimate the meter read for various reasons which may include limited access (e.g., a customer has an inside meter or the access to the meter is restricted) and the expense of actual meter reads. It is cost prohibitive to get actual meter reads each month. As a result, the following measurement is put in place to set out the minimum requirements for meter reads.

7.3.3.1 Meter Reading Performance Measurement

The meter reading performance measurement requirement will measure the percentage of meters with no read for four consecutive months.

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Callers who call in their meter reads will be considered to have had their meters read. The measurement will be calculated as follows:

$$\frac{\text{Number of meters with no read for 4 consecutive months or more}}{\text{Total number of active meters to be read}}$$

This measurement shall not exceed 0.5% on a yearly basis.

7.3.4 *Service Appointment Response Time*

A distributor will ensure that appointment times are scheduled and, if requested, a customer shall be given an appointment time with a four hour window (i.e., morning, afternoon, or evening). This measurement will track the accuracy of response to these appointment times. Only the appointments that require the customer's presence will be included in this measurement.

7.3.4.1 Appointments Met Within the Designated Time Period

This measurement will identify the percentage of appointments, including meter related or other customer related work, that are met within their 4 hour scheduled time/date as arranged with the customer. This includes appointments for installations, meter reads and reconnection appointments (not including those due to non-payment). This measurement will be calculated as follows:

$$\frac{\text{Number of appointments met within the 4 hour scheduled time/date}}{\text{Total number of appointments scheduled in the reporting month}}$$

The minimum performance standard for this measurement shall be 85% averaged over a year.

7.3.4.2 Time to Reschedule a Missed Appointment

This measurement tracks the time taken to contact the consumer to offer to reschedule a missed appointment. This includes appointments for meter related customer requests or other customer requested work such as installations, meter reads and reconnection appointments not due to non-payment. At minimum, the distributor must contact the customer to reschedule the work within 2 hours of the end of the original appointment time.

The minimum performance standard shall be that 100% of affected customers will receive a call offering to reschedule work within 2 hours of the end of the original appointment time.

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7.3.5 Gas Emergency Response

Gas Emergency Response is defined as the speed and effectiveness of response to gas escapes and other emergencies in order to alleviate the consequences of detrimental effects. Note that distributors are secondary responders; the primary response to emergencies is provided by the 911 Emergency Response service.

See Schedule A for a more detailed description of natural gas emergencies. The list will include:

- Aerial Patrol
- Asphyxiation or Injury
- Blowing Gas
- Carbon Monoxide
- Emergency Provider Assistance
- Evacuation
- Fire or Explosion
- Flooding
- Iced Over Regulators
- Low or High Pressure
- Main Service Damage
- Natural Gas/Methane Detector Alarming
- Other Combustibles
- Outdoor Gas Leak/Odour
- Steam
- Strong Indoor Odour*

* Note: this category includes any indoor odour (even slight) which will be considered an emergency in a Care or Detention Centre (such as hospitals, day care centres, nursing homes, homes for senior citizens, permanent correctional facilities, permanent psychiatric institutions, and schools).

7.3.5.1 Percentage of Emergency Calls Responded to Within One Hour

This measurement will track the average response time to emergencies such as gas leaks, damages and other high priority situations. The response time is calculated from the time the caller reaches a live representative from the distribution company to the time the gas representative arrives on site. The measurement shall be calculated as follows:

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$$\frac{\text{Number of emergency calls responded to within 60 minutes}}{\text{Total number of emergency calls in the year}}$$

The minimum performance standard shall be that 90% of customers have received a response within 60 minutes of their call reaching a live person. The standard shall be calculated on an annual basis.

7.3.5.2 Documentation of Emergency Response

In order to meet the Service Quality Performance Requirements, Distributors must document emergency procedures for each type of emergency event to ensure that responders to emergencies follow the Distributor's approved emergency procedures.

7.3.6 *Customer Complaint Written Response*

This measurement will ensure that a customer's complaint is responded to in a timely and effective manner. A complaint is a written expression of grievance or dissatisfaction from a customer about a decision, action taken, or failure to act by the distributor that is received as a written complaint to the distributor (i.e., by letter or email).

7.3.6.1 Number of Days to Provide a Written Response

The distributor will send a substantive written response to a customer grievance within 10 days of receiving the written complaint. If the grievance needs to be investigated further and more time is required to fully respond to the complaint, an interim response will be sent until a final response can be sent. A substantive response is a response that addresses the issues raised by the complainant. If the customer wishes to have a verbal response instead of a written one, it will not be counted in this measurement. The measurement shall be calculated as follows:

$$\frac{\text{Number of complaints requiring a written response responded to within 10 days}}{\text{Number of complaints requiring a written response}}$$

The minimum performance standard shall be that 80% of customers will receive a written response in 10 days of the distributor receiving the complaint.

7.3.7 *Reconnection Response Time*

The purpose of this measurement is to track the number of days required to reconnect a customer due to a disconnection for non-payment.

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7.3.7.1 Number of Days to Reconnect a Customer

Once the customer is in good standing as a result of a payment made, the reconnection should be made within 2 business days. This measurement shall be calculated as follows:

$$\frac{\text{Number of reconnections completed within 2 business days}}{\text{Total number of reconnections completed}}$$

The minimum performance standard shall be that 85% of customers are reconnected within 2 business days of bringing their accounts into good standing. This will be tracked on a monthly basis.

8 Customer Service Standards and Practices Applicable to Residential Customers

Note: Effective March 1, 2020, the heading of section 8 is amended by replacing the words “Standards and Practices” with the word “Policy”. See EB-2017-0183.

8.1 General

8.1.1 A rate-regulated gas distributor shall document its customer service-related standards and practices applicable to residential customers in a Customer Service Policy.

8.1.2 A Customer Service Policy shall, at a minimum, include a description of the rate-regulated gas distributor’s standards and practices for each of the following customer service-related areas:

- (a) bill issuance and payment;
- (b) allocation of payments between gas and non-gas charges;
- (c) correction of billing errors;
- (d) equal payment and equal billing plans;
- (e) disconnection for non-payment;
- (f) security deposits;
- (g) arrears management programs; and
- (h) management of customer accounts.

Note: Effective March 1, 2020, section 8.1.2 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. See EB-2017-0183.

(i) late payments, including the date from which any Board-approved late payment charges apply.

8.1.3 Where a rate-regulated gas distributor has established customer service-related standards and practices specific to eligible low-income customers, the gas distributor shall describe them in its Customer Service Policy in a manner separate and apart from its customer service-related standards and practices applicable to other residential customers.

8.2 Policy to be Published

8.2.1 A rate-regulated gas distributor shall file a copy of its Customer Service Policy with the Board, make a copy publicly available for viewing at its

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head office and on its web site, and provide a copy to each person that requests it.

- 8.2.2 A rate-regulated gas distributor shall, promptly after the coming into force date of this section, notify its residential customers that it has filed a new or amended Customer Service Policy with the Board and shall provide direction as to where a copy may be viewed and how a copy may be obtained.

Note: Effective March 1, 2020, section 8.2.2 is revoked. See EB-2017-0183.

8.3 Compliance

- 8.3.1 Subject to this Rule and other applicable laws, a rate-regulated gas distributor shall comply with its Customer Service Policy but may waive any provision therein in favour of a customer or potential customer.

- 8.3.2 Commencing in 2013, a rate-regulated gas distributor shall provide, in the form and manner required by the Board, annually by April 30 for the prior calendar year, a statement certifying its compliance with its Customer Service Policy.

- 8.3.3 A rate-regulated gas distributor shall maintain a compliance monitoring program that enables it to monitor its compliance with its Customer Service Policy and to identify any need for remedial action. A rate-regulated gas distributor shall maintain updated records in a form and manner so as to be able to substantiate its self-certification.

- 8.3.4 Each statement certifying a rate-regulated gas distributor's compliance with its Customer Service Policy shall be signed by the gas distributor's Chief Executive Officer, Chief Operating Officer, President or person of equivalent position.

- 8.3.5 A rate-regulated gas distributor shall provide its initial self-certification statement to the Board by April 30, 2013.

Note: Effective March 1, 2020, sections 8.3.2, 8.3.3, 8.3.4, and 8.3.5 are revoked. See EB-2017-0183.

8.4 Dispute Resolution

8.4.1 A Customer Service Policy shall describe the rate-regulated gas distributor's process for resolving customer complaints.

8.5 Revisions to a Customer Service Policy

8.5.1 A rate-regulated gas distributor shall provide advance public notice of any revisions to its Customer Service Policy. Notice shall be, at a minimum, provided to each residential customer by means of a note on or included with the customer's bill. The notice shall include the timeline for implementation of the revisions to the Customer Service Policy.

8.5.2 A rate-regulated gas distributor shall provide the Board with a copy of its revised Customer Service Policy. The revised Customer Service Policy shall be accompanied by a cover letter that indicates the revisions made and their implementation date.

Note: The shaded portions of section 9 (Customer Service Rules) take effect March 1, 2020. See EB-2017-0183.

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;

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- (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.

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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.

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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

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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

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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;

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- (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 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

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- 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.

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(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:

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- (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

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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.

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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

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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

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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;

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- (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

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(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

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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

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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.

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.

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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

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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.

Schedule A

Description of Type of Emergencies

Aerial Patrol

- Reports from aerial patrol contractor that someone is or may be excavating near a high priority line.

Asphyxiation or Injury

- A call from any source where a person has been injured, overcome, or is nauseated, and gas fumes are suspected.

Blowing Gas

- Any reports of blowing gas. Reports of a pinched off line shall be treated the same as blowing gas.

Carbon Monoxide

- CO symptoms are identified and an emergency provider (such as Fire or Police Department) calls the gas distributor for assistance.

Emergency Provider Assistance

- Any calls from emergency providers requesting immediate assistance (Fire or Police Department etc.).

Evacuation

- Any time a building has been evacuated because of a known or unknown strong odour.

Fire or explosion

- Call received from any source for a fire or explosion.

Flooding

- Shut off meters for flooding (priority could change based on local management input).

Iced Over Regulators (Whether Pressure is Affected or Not)

- Reports of iced over regulators.

Low or High Pressure

- Reports of pilot or main burner flames being larger than normal.
- Reports from a contractor or customer that a regulator malfunction has created an unsafe condition.

Main/Service Damage

- Hit line and no blowing gas (includes third party reports of damaged coatings).

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Natural Gas/Methane Detector Alarming

- A natural gas/methane detector is alarming.

Other Combustibles

- Calls regarding a leakage or spill of another combustible (conference call with the Fire Department to ensure they are dispatched as well).

Outdoor Gas Leak/Odour

- Strong odour or sound of gas escaping outside.
- Any outdoor odour where the source is unknown.
- Any "A" leaks called in by leak surveyors (company or contractor).

Steam

- A water heater or boiler is overheating and steam is escaping from taps and/or a relief valve.

Strong Indoor Odour

- Strong odour or sound of gas escaping inside a building.
- Any odour (even slight) at a Care or Detention Centre*.

* Care or Detention Centre include hospitals, day care centres, nursing homes, senior citizen's homes, permanent correctional facilities, permanent psychiatric institutions, and schools.