



November 20, 2014

VIA EMAIL: BoardSec@ontarioenergyboard.ca

Kirsten Walli  
Board Secretary  
Ontario Energy Board  
P.O. Box 2319  
2300 Yonge Street, 27th Floor  
Toronto, ON M4P 1E4

**RE: *Energy Consumer Protection Act, 2010 Review EB-2014-0158***

Dear Ms. Walli:

On October 23<sup>rd</sup>, 2014 the Ontario Energy Board (The "Board") provided a series of questions to interested stakeholders inviting them to provide written comment pertaining to the overall effectiveness of the *Energy Consumer Protection Act, 2010* ("ECPA"). The Board further advised that it anticipates that these questions will be the principle focus of the upcoming stakeholder forum to be held on December 8<sup>th</sup> and 9<sup>th</sup>, 2014.

The Board provided a total of nine questions for written comment. Summitt Energy LP. ("Summitt Energy") respectfully submits the following comments with respect to questions seven and eight of the above noted matter.

***Are there lessons to be learned from experience with consumer protection in retail energy markets in other jurisdictions that can be applied to Ontario?***

There are several energy markets within the United States which Summitt Energy's affiliate companies ("Our") operate within, which have a similar consumer protection regime as Ontario, notably the Pennsylvania and Maryland and retail energy markets.

The Pennsylvania energy market is regulated by the Pennsylvania Public Utilities Commission<sup>1</sup> ("PUC"). Similar to the Board, the PUC is responsible for administering retail energy market consumer protection legislation, namely *Title 52, Chapters 54, 62 & 111 of the Pennsylvania Code*<sup>2</sup> (The "Code").

*Chapter 111*<sup>3</sup> of the Code contains very similar provisions to the ECPA for verification of contracts, training, identification and certification of sales agents; including compliance provisions for door to door and telemarketing sales. *Chapter 111* also provides complaint handling processes for retail marketers to follow.

The Maryland energy market is regulated by the Maryland Public Service Commission ("MPSC")<sup>4</sup>. Similar to the Board, the MPSC is responsible for administering retail energy market consumer protection legislation under *Title 20, Subtitles 53 & 59 of the Code of Maryland Regulations* ("COMAR")<sup>5</sup>. COMAR contains similar provisions to the ECPA pertaining to contract requirements and door to door sales.

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<sup>1</sup> <http://www.puc.state.pa.us/>

<sup>2</sup> <http://www.pacode.com/secure/data/052/052toc.html>

<sup>3</sup> <http://www.pacode.com/secure/data/052/chapter111/chap111toc.html>

<sup>4</sup> <http://webapp.psc.state.md.us/Intranet/home.cfm>

<sup>5</sup> [http://www.dsd.state.md.us/comar/subtitle\\_chapters/20\\_Chapters.aspx#Subtitle53](http://www.dsd.state.md.us/comar/subtitle_chapters/20_Chapters.aspx#Subtitle53)

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Both the PA PUC and the MPSC have developed similar complaint handling processes that encourage consumers to file a complaint with their retail marketer before filing a complaint with them. It is Our experience that this process of having the consumer first attempt to resolve their complaint with the retail marketer drastically reduces the amount of resources needed by the regulator to effectively manage their complaint handling process. It is Our experience that both the PA PUC and MPSC uses all available information pertaining to the complaint, including the contract and verification call, to determine the validity of the complaint received by the consumer. This process ensures that the regulator remains neutral and unbiased throughout the complaint review process and allows the retail marketer to effectively handle consumer complaints.

Both the PA PUC and the MPSC are actively involved in consumer education and awareness of the retail energy markets through their commission websites. The PA PUC has a commission website called “PA PowerSwitch”<sup>6</sup> for consumers to shop for retail energy prices and view contracts offered by retail marketers in the state. The MPSC also lists competitor offers; both of these markets have market stakeholder collaborative working groups with the goal of building a robust competitive market. Such consumer education efforts better promote the retail energy industry and ensure that consumers are better educated about the retail energy markets.

**Are there lessons to be learned from experience with consumer protection in other markets that can be applied to the retail energy markets in Ontario?**

The Ontario retail automotive industry, under the authority of the Ontario Motor Vehicle Industry Council (“OMVIC”), is a great example of how a regulator administers consumer protection legislation to better educate the public and better regulate its licensees. It is my experience, as a former member of OMVIC’s Discipline and Appeals Committee, that OMVIC provides monthly bulletins to its licensees providing reminders of regulatory obligations and industry news.<sup>7</sup>

These reminders proactively work towards reducing the potential for violations by licensees and ensure that “best practices” are adopted. It also provides an open forum for communication with its licensees creating a “collaborative” environment with the focus of reducing the overall number of complaints. OMVIC’s communications are focused on educating the public and its licensees to better promote the industry which it regulates.

Respectfully submitted



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<sup>6</sup> <http://www.papowerswitch.com/>

<sup>7</sup> <http://www.omvic.on.ca/portal/NewsPublications/DealerBulletins/2014.aspx>

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