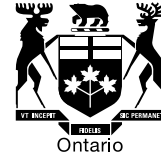


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BY E-MAIL AND WEB POSTING

November 11, 2015

NOTICE OF PROPOSAL

TO AMEND THE ELECTRICITY REPORTING & RECORD KEEPING REQUIREMENTS, THE ELECTRICITY DISTRIBUTION SYSTEM CODE, THE ELECTRICITY RETAILER CODE OF CONDUCT, THE RETAIL SETTLEMENT CODE, THE STANDARD SUPPLY SERVICE CODE, THE ELECTRICITY TRANSMISSION SYSTEM CODE, THE UNIT SUB-METERING CODE, THE AFFILIATE RELATIONSHIPS CODE FOR ELECTRICITY DISTRIBUTORS AND TRANSMITTERS, THE REPORTING AND RECORDKEEPING REQUIREMENTS FOR NATURAL GAS DISTRIBUTORS, THE NATURAL GAS REPORTING AND RECORD KEEPING REQUIREMENTS GAS MARKETER LICENCE REQUIREMENTS, THE AFFILIATE RELATIONSHIPS CODE FOR GAS UTILITIES, THE GAS DISTRIBUTION ACCESS RULE AND THE GAS STORAGE AND TRANSPORTATION ACCESS RULE

AND

SPECIFYING A MANDATORY RECORD RETENTION PERIOD FOR REGULATED ENTITIES

BOARD FILE NO. EB-2015-0247

**To: All Licensed Electricity Distributors, Transmitters, Generators and Retailers
Independent Electricity System Operator (IESO)
All Licensed Unit Sub-Meter Providers
All Natural Gas Distributors and Marketers
All Interested Parties**

The Ontario Energy Board (OEB) has issued for stakeholder comment, proposed amendments to several regulatory instruments pursuant to sections 45 and 70.2 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c.15, Schedule B (the Act).

The OEB does not intend to award costs of participating in this process.

The purpose of the proposed amendments is to implement a minimum mandatory record retention period of current calendar year plus nine (9) years (Mandatory Record Retention Period), for all records that regulated entities are required to maintain pursuant to the Act, other applicable statutes and regulations thereunder, the OEB's regulatory instruments, licences and OEB orders (collectively referred to as Regulatory Instruments). The proposed amendments apply to all regulated entities, including electricity distributors, transmitters, generators and retailers, unit sub-metering providers and the IESO, as well as gas distributors and marketers (collectively referred to as Regulated Entities).

The Mandatory Record Retention Period is applicable to documents required explicitly or by reasonable inference, by statutes and regulations, as well as the OEB regulatory instruments.

The OEB will treat the Mandatory Record Retention Period for records that are required for regulatory purposes as an enforceable provision.

Background

There are numerous provisions in the Regulatory Instruments that require the production and retention of records for regulatory purposes. Some of the provisions indicate varying, inconsistent retention periods while instruments do not make any reference to a retention period.

In the meantime, the Act gives the OEB a broad range of power and responsibilities for the purposes of the Act or any other Act that gives power or duties to the OEB. In order to fulfill those duties, the OEB is authorized to require documents from Regulated Entities.¹

¹ Part VII, Section 107 of the Act states:

Power to require documents, etc.

107. (1) An inspector may, for the purposes of this Act and any other Act that gives powers or duties to the Board, require any of the following persons to provide documents, records or information:

1. A person required to have a licence under section 48 or 57.

1.1 An affiliate, agent or employee of a gas marketer or retailer of electricity.

In order to ensure that the OEB has access to the documents required for regulatory purposes and to discharge its statutory duties, it is necessary to implement a consistent, minimum Mandatory Record Retention Period for documents that should be retained by Regulated Entities.

Proposed Amendments

Some of the OEB regulatory instruments specify retention periods for records and those instruments are being amended to specify a single, consistent Mandatory Record Retention Period. Other OEB instruments do not contain a specific retention period but do refer to maintaining records for record-keeping and reporting purposes and each of those instruments is being amended to provide that such records must be retained for the Mandatory Record Retention Period.

Furthermore, each of the OEB regulatory instruments will be amended to require that Regulated Entities retain records for the Mandatory Record Retention Period to demonstrate compliance with the Regulatory Instrument. Regulated Entities should

-
2. A gas distributor, gas transmitter or gas storage company or an affiliate of a gas transmitter, gas distributor or gas storage company.
 3. An affiliate of a person required to have a licence under clause 57 (a) or (b).
 4. A person exempted from the requirements of clause 57 (a) by regulation.
 5. A person exempted from the requirements of clause 57 (b) by regulation.
 6. A person exempted from the requirements of section 48 by regulation.
 7. An affiliate, agent or employee of a person referred to in paragraph 4. 2003, c. 3, s. 70; 2010, c. 8, s. 38 (24).

Application of subs. (1)

- (2) Subsection (1) only applies to documents, records and information that relate to the following:
 1. Activities for which a licence is required under section 48 or 57.
 - 1.1 The persons who are required to have a licence under section 48 or 57 and their affiliates, agents and employees.
 - 1.2 Activities for which a licence is required under subsection 88.2 (1).
 - 1.3 The persons who are required to have a licence under subsection 88.2 (1).
 2. Gas distribution, gas transmission or gas storage, including the sale of gas by a gas distributor.
 3. Transactions between a gas distributor, gas transmitter or gas storage company and its affiliates.
 4. Transactions between a person required to have a licence under clause 57 (a) or (b) and its affiliates.
 5. Adjustments, payments, set-offs and credits under section 25.33 of the *Electricity Act, 1998* and under the regulations made under clause 114 (1.3) (f) of that Act.
 6. Payments under sections 78.1, 78.2 and 78.5. 2004, c. 23, Sched. B, s. 32; 2009, c. 12, Sched. D, s. 17; 2010, c. 8, s. 38 (25); 2014, c. 7, Sched. 23, s. 14.

exercise their best judgment in determining the types of records that need to be retained to demonstrate compliance with a Regulatory Instrument.

The Mandatory Record Retention Period will be specified in each of the OEB regulatory instruments (RRRs, Codes, and Rules) set out below:

Electricity

- the Electricity Reporting and Record Keeping Requirements (Electricity RRR);
- the Electricity Distribution System Code (DSC);
- the Electricity Retailer Code of Conduct (ERC);
- the Retail Settlement Code (RSC);
- the Standard Supply Service Code (SSC);
- the Electricity Transmission System Code (TSC);
- the Unit Sub-Metering Code (USC);
- the Affiliate Relationships Code for Electricity Distributors and Transmitters (Electricity ARC);

Natural Gas

- the Reporting and Recordkeeping Requirements for Natural Gas Distributors (Gas Distributor RRR);
- the Natural Gas Reporting and Record Keeping Requirements Gas Marketer Licence Requirements (Gas Marketer RRR)
- the Affiliate Relationships Code for Gas Utilities (Gas ARC);
- the Gas Distribution Access Rule (GDAR);
- the Gas Storage and Transportation Access Rule (STAR);

The proposed amendments to OEB regulatory instruments (RRRs, Codes and Rules) are summarized in Appendix “A” to this Notice. The OEB will notify Regulated Entities of any additional provisions of or future amendments to the OEB regulatory instruments to which the Mandatory Record Retention Period applies.

The Mandatory Record Retention Period will also apply to records that are explicitly or by reasonable inference required by Regulatory Instruments. For example, the Act contains several provisions which require documentary filings with the OEB, and such documents will be subject to the Mandatory Record Retention Period.² Other statutes

² The OEB Act contains several provisions which explicitly or implicitly require document, filings, production and retention, for example: Part III of the Act (Gas Regulation) requires an order of the OEB setting rates for gas distribution and transmission, establishment of deferral accounts and designation of gas storage areas; Part V (Regulation of Electricity) also contains provisions regarding rate-making, deferral / variance accounts, as well as setting standards, targets and criteria (s.83); Part V.1 of the Act addresses standards and audits applicable to gas marketers and electricity retailers; Part VI deals with

and regulations, which the OEB must apply, also require documentary production.³ In order to fulfill its regulatory obligations under the Act, other applicable statutes and regulations the OEB requires access to certain information and records from Regulated Entities. Regulated Entities will be required to retain such records for the minimum Mandatory Record Retention Period, even if there is no specific retention period stated in the statutes or regulations.

The requirements of the Act and other Regulatory Instruments and OEB orders are enforceable provisions and a Regulated Entity's failure to comply with the requirements is a breach subject to compliance action under Part VII.1 of the Act.

The proposed amendments are not concerned with any records that are not required for regulatory purposes, e.g. records that a Regulated Entity retains solely for corporate or operational purposes, but which are not required for regulatory purposes.

Other reporting and record keeping requirements may also be contained in individual licences, OEB orders or other regulatory instruments specific to a Regulated Entity, and those are not affected by the proposed amendments. In addition, a Regulated Entity may wish to retain documents for longer than the minimum the Mandatory Record Retention Period.

Scope of the Consultation and Participation

The OEB is inviting Regulated Entities and other interested parties, if any, to participate in the discussions related to the application and implementation of the Mandatory Record Retention Period, with a view to identifying best practices and consistent implementation considering, for example:

- The format of records that must be retained, i.e. electronic v. paper formats;
- The types of records to which the record retention requirements are applicable, i.e. records required to be retained for regulatory purposes vs. corporate/business/operational records that are not required to be retained for regulatory purposes;

leave to construct applications; Part VII and VII.2 pertain to inspections, investigations and compliance with respect to complaints. These are some of the most obvious examples of statutory provisions that explicitly or implicitly require documentary production, filing and retention and such documents will be subject to the Mandatory Record Retention Period.

³ For example, the *Electricity Act, 1998*, S.O. 1998 Ch.15, Schedule A (*Electricity Act*), require the OEB to review the requirements and fees of the IESO (s.18); to amend the IESO's market rules, as needed (ss.33-35); to review IESO reliability standards (s.36.2); to review reports of abuse of market power (s.38).

- The types of records to be retained to demonstrate compliance with Regulatory Instruments, i.e. provisions in regulatory instruments that do not contain specific retention requirements;
- The temporal application of the Mandatory Record Retention Period, i.e. whether it should be applied only prospectively or retrospectively in some cases as well;
- The exceptions to the record retention requirements, for example other statutory requirements that may mandate a shorter record retention period;
- Implementation (in force) date for the Mandatory Record Retention Period and the duration of the transition period, i.e. the date that amendments are in force and the recommended transition period.

Invitation to Participate and Filing Instructions

Parties that are interested in participating should indicate their intent by letter addressed to the Board Secretary by November 30, 2015.

Please submit electronic copies of filings in searchable/unrestricted Adobe Acrobat (PDF) format through the OEB's web portal at <http://www.pes.ontarioenergyboard.ca/eservice> and also file two paper copies at the address below. You will need a user ID to make filings through the OEB's web portal. If you do not have a user ID, visit the "e-filings services" webpage on the OEB's website at www.ontarioenergyboard.ca and fill out a user ID password request.

Please use the document naming conventions and document submission standards outlined in the document entitled "RESS Document Preparation – A Quick Guide" also found on the e-filing services webpage. If the OEB's web portal is not available, electronic copies of filings may be filed by e-mail to boardsec@ontarioenergyboard.ca. If you do not have internet access, please provide a CD containing your filing in PDF format as described above to the Board Secretary at the following address:

Board Secretary
Ontario Energy Board
P.O. Box 2319
2300 Yonge Street, Suite 2700
Toronto, ON M4P 1E4

All filings to the OEB must be received by the Board Secretary by 4:45 p.m. on the required date. Filings must quote file number **EB-2015-0247** and include your name, address, telephone number and, where available, your e-mail address and fax number. All filings received by the OEB in relation to this participation will be available for viewing at the OEB's offices and will be placed on the OEB's website.

Questions about this participation process should be directed to Stephanie Chan at Stephanie.Chan@ontarioenergyboard.ca or 416- 544-5160. The OEB's toll-free number is 1-888-632-6273.

Yours truly,

Original Signed By

Kirsten Walli
Board Secretary

Attachments:

Appendix A - Summary of Proposed Amendments to RRRs, Codes and Rules

Appendix A

TO NOTICE OF PROPOSAL

EB-2015-0247

Summary of Proposed Amendments to RRRs, Codes and Rules

November 11, 2015

Appendix A: Summary of Proposed Amendments to RRRs, Codes and Rules

Document Name	Section Reference	Requirement	Amended Requirement
Electricity			
Electricity Reporting and Record Keeping Requirements - Distributors	1.8 (New section)		1.8 Record Keeping and Record Retention Electricity distributors, transmitters, generators, retailers, the IESO and unit sub-meter providers shall maintain and retain the records for a minimum period of the current calendar year plus nine (9) years.
Electricity Reporting and Record Keeping Requirements - Distributors	2.3.1	A distributor shall maintain records of all complaints by consumers and market participants regarding services provided under the terms of the distributor's licence and responses for a period of two years and provide the following information, in a form and manner and at such times as may be requested by the Board: a) The name and address of the complainant; b) A description of the nature of the complaint including a copy of the written complaint; c) A description of the remedial action taken; and d) A copy of any correspondence received and/or sent with respect to each specific complaint.	A distributor shall maintain records of all complaints by consumers and market participants regarding services provided under the terms of the distributor's licence and responses for a period <u>as set out in section 1.8</u> and provide the following information, in a form and manner and at such times as may be requested by the Board: a) The name and address of the complainant; b) A description of the nature of the complaint including a copy of the written complaint; c) A description of the remedial action taken; and d) A copy of any correspondence received and/or sent with respect to each specific complaint.
Electricity Reporting and Record Keeping Requirements - Distributors	2.3.3	A distributor shall maintain and provide in a form and manner and at such times as may be requested by the Board, detailed records of all economic evaluations conducted to comply with the requirements of by the Distribution System Code. The records are to be retained for two years beyond the end of the customer connection horizon specified in Appendix B to the Distribution System Code.	A distributor shall maintain and provide in a form and manner and at such times as may be requested by the Board, detailed records of all economic evaluations conducted to comply with the requirements of by the Distribution System Code. The records are to be retained for <u>a period as set out in section 1.8.</u>

Appendix A: Summary of Proposed Amendments to RRRs, Codes and Rules

Document Name	Section Reference	Requirement	Amended Requirement
Electricity Reporting and Record Keeping Requirements - Retailers	4.2.1	<p>A retailer with customers who are low volume consumers (as defined in the Electricity Retailer Code of Conduct) shall maintain for a period of two years, and provide in a form and manner and at such times as may be requested by the Board, records of all written complaints by consumers and market participants regarding services provided under the terms of the retailer's licence and responses, containing the following information:</p> <ul style="list-style-type: none"> a) The name and address of the complainant; b) A description of the nature of the complaint including a copy of the written complaint; c) A description of the remedial action taken; and d) A copy of any correspondence received and/or sent with respect to each specific complaint. <p>Retailers licensed to act as agent only, are exempted from this requirement.</p>	<p>A retailer with customers who are low volume consumers (as defined in the Electricity Retailer Code of Conduct) shall maintain for a period <u>as set out in section 1.8</u>, and provide in a form and manner and at such times as may be requested by the Board, records of all written complaints by consumers and market participants regarding services provided under the terms of the retailer's licence and responses, containing the following information:</p> <ul style="list-style-type: none"> a) The name and address of the complainant; b) A description of the nature of the complaint including a copy of the written complaint; c) A description of the remedial action taken; and d) A copy of any correspondence received and/or sent with respect to each specific complaint. <p>Retailers licensed to act as agent only, are exempted from this requirement.</p>
Electricity Reporting and Record Keeping Requirements - Retailers	4.2.2	<p>A retailer shall maintain for a period of two years, or two years beyond the end of the contract for items c), d), e) and f), and provide in a form and manner and at such times as may be requested by the Board, records of sales personnel and customer information containing the following information:</p> <ul style="list-style-type: none"> a) A list of its salespersons including their name and agent number where applicable; b) A list of its contracted customers; c) Permission from each customer, in writing, to submit a request to a distributor to allow 	<p>A retailer shall provide in a form and manner and at such times as may be requested by the Board, records of sales personnel and customer information containing the following information:</p> <ul style="list-style-type: none"> a) A list of its salespersons including their name and agent number where applicable; b) A list of its contracted customers; c) Permission from each customer, in writing, to submit a request to a distributor to allow the electricity retailer to supply electricity to the customer;

Appendix A: Summary of Proposed Amendments to RRRs, Codes and Rules

Document Name	Section Reference	Requirement	Amended Requirement
		<p>the electricity retailer to supply electricity to the customer;</p> <p>d) A contract with each customer, with the customer's signature, to purchase electricity from the electricity retailer;</p> <p>e) For contracts entered on or after July 1, 2002, the notice of reaffirmation of the contract by the customer; and</p> <p>f) For contracts renewed or extended for a period of more than one year on or after August 1, 2002, the notice of acceptance of the renewal or extension from the customer.</p>	<p>d) A contract with each customer, with the customer's signature, to purchase electricity from the electricity retailer;</p> <p>e) For contracts entered on or after July 1, 2002, the notice of reaffirmation of the contract by the customer; and</p> <p>f) For contracts renewed or extended for a period of more than one year on or after August 1, 2002, the notice of acceptance of the renewal or extension from the customer. <u>The retailer shall retain items c), d), e) and f) for a period of time as set out in section 1.8, or two years beyond the end of the contract, whichever is longer.</u></p>
Electricity Reporting and Record Keeping Requirements - Retailers	4.2.3	<p>A retailer with customers who are low volume consumers (as defined in the Electricity Retailer Code of Conduct) shall maintain for a period of two years, and provide in a form and manner and at such times as may be requested by the Board, records of staff training material containing the following information:</p> <p>a) Training manuals and other print material;</p> <p>b) Training videos;</p> <p>c) Codes of conduct;</p> <p>d) Newsletters, bulletins, updates, circulars, notices, instruction sheets and other similar materials;</p> <p>e) Scripts used for door-to-door solicitation of existing or prospective customers; and</p> <p>f) Certification by each sales employee and sales agent that the training has been received and that the person is familiar with,</p>	<p>A retailer with customers who are low volume consumers (as defined in the Electricity Retailer Code of Conduct) shall maintain for a period <u>as set out in section 1.8</u>, and provide in a form and manner and at such times as may be requested by the Board, records of staff training material containing the following information:</p> <p>a) Training manuals and other print material;</p> <p>b) Training videos;</p> <p>c) Codes of conduct;</p> <p>d) Newsletters, bulletins, updates, circulars, notices, instruction sheets and other similar materials;</p> <p>e) Scripts used for door-to-door solicitation of existing or prospective customers; and</p> <p>f) Certification by each sales employee and sales agent that the training has been received and that the person is familiar with,</p>

Appendix A: Summary of Proposed Amendments to RRRs, Codes and Rules

Document Name	Section Reference	Requirement	Amended Requirement
		and will abide by, the Electricity Retailer Code of Conduct.	and will abide by, the Electricity Retailer Code of Conduct.
Electricity Reporting and Record Keeping Requirements - Retailers	4.2.4	<p>A retailer with customers who are low volume consumers (as defined in the Electricity Retailer Code of Conduct) shall maintain for a period of two years, and provide in a form and manner and at such times as may be requested by the Board, marketing information containing the following:</p> <p>a) Offers (defined as a proposal to enter into a contract, agency agreement, or any other agreement or combination thereof, made to an existing or prospective customer), including hard copies of Web pages containing offers;</p> <p>b) Promotional material including pamphlets, brochures, bill inserts, coupons and flyers;</p> <p>c) Application/ registration forms;</p> <p>d) Form letters sent to existing and prospective customers;</p> <p>e) Sample identity cards (including photograph), outerwear, business cards and contact information of sales representatives; and</p> <p>f) Reference material including utility bills, price comparisons with details of price offers and forecasts (of the retailer) and other energy suppliers quoted, shown (or carried so as to be seen) or provided to existing or prospective customers (records shall be kept for each price change in the reference material).</p>	<p>A retailer with customers who are low volume consumers (as defined in the Electricity Retailer Code of Conduct) shall maintain for a period as set out in section 1.8, and provide in a form and manner and at such times as may be requested by the Board, marketing information containing the following:</p> <p>a) Offers (defined as a proposal to enter into a contract, agency agreement, or any other agreement or combination thereof, made to an existing or prospective customer), including hard copies of Web pages containing offers;</p> <p>b) Promotional material including pamphlets, brochures, bill inserts, coupons and flyers;</p> <p>c) Application/ registration forms;</p> <p>d) Form letters sent to existing and prospective customers;</p> <p>e) Sample identity cards (including photograph), outerwear, business cards and contact information of sales representatives; and</p> <p>f) Reference material including utility bills, price comparisons with details of price offers and forecasts (of the retailer) and other energy suppliers quoted, shown (or carried so as to be seen) or provided to existing or prospective customers (records shall be kept for each price change in the reference material).</p>

Appendix A: Summary of Proposed Amendments to RRRs, Codes and Rules

Document Name	Section Reference	Requirement	Amended Requirement
Distribution System Code	1.11 (new section)		1.11 Record Keeping and Record Retention Where this Code refers to retention of documents and provision of information or there is a requirement for reporting, a distributor shall maintain updated records and retain the records for a minimum period of current calendar year plus nine (9) years. Furthermore a distributor shall maintain updated records and retain the records for a minimum period of current calendar year plus nine (9) years so as to be able to substantiate compliance with this Code.
Distribution System Code	4.7.7	A distributor shall record, retain for a period of five years and provide to the Board, on request and in the form and manner required by the Board, the following information: (a) the name and contact information of each livestock farm customer that submits a farm stray voltage complaint to the distributor, the date of the complaint and the date on which the matter was considered closed by the distributor; and (b) for each farm stray voltage investigation initiated by the distributor: site information for the livestock farm customer’s farm, including location; the identity and design characteristics of the circuit(s) supplying the site; and distance of the site from the circuit substation and from the end of the circuit; • an investigation report prepared in accordance with Appendix H, together with all other documentation required by Appendix H	A distributor shall record, retain for a period of <u>a period as set out in section 1.11</u> and provide to the Board, on request and in the form and manner required by the Board, the following information: (a) the name and contact information of each livestock farm customer that submits a farm stray voltage complaint to the distributor, the date of the complaint and the date on which the matter was considered closed by the distributor; and (b) for each farm stray voltage investigation initiated by the distributor: site information for the livestock farm customer’s farm, including location; the identity and design characteristics of the circuit(s) supplying the site; and distance of the site from the circuit substation and from the end of the circuit; • an investigation report prepared in accordance with Appendix H, together with all

Appendix A: Summary of Proposed Amendments to RRRs, Codes and Rules

Document Name	Section Reference	Requirement	Amended Requirement
		to be prepared; and <ul style="list-style-type: none"> • identified ACC or ACV source(s) and distribution system contribution levels; any remediation measures taken; and the total cost of the investigation and of any remediation measures taken. 	other documentation required by Appendix H to be prepared; and <ul style="list-style-type: none"> • identified ACC or ACV source(s) and distribution system contribution levels; any remediation measures taken; and the total cost of the investigation and of any remediation measures taken.
Distribution System Code	6.1.2.2	<p><i>6.1 Responsibilities to Load Customers</i> <i>This section applies to load customers other than customers with existing or proposed embedded generation facilities that are not emergency backup generation facilities, and embedded distributors.</i></p> <p>6.1.2.1 Nothing in section 6.1.2 shall be construed as permitting a distributor to recover or to seek to recover charges for a service provided to a property from any person other than a person that has agreed to be the customer of the distributor in relation to the property or that has agreed to assume responsibility for those charges. 6.1.2.2 For the purposes of section 6.1.2.1, the agreement may be in electronic form pursuant to the Electronic Commerce Act, 2000, and includes telephone communications provided that a recording of the telephone communication is retained by the distributor for 24 months thereafter.</p>	<p><i>6.1 Responsibilities to Load Customers</i> <i>This section applies to load customers other than customers with existing or proposed embedded generation facilities that are not emergency backup generation facilities, and embedded distributors.</i></p> <p>6.1.2.1 Nothing in section 6.1.2 shall be construed as permitting a distributor to recover or to seek to recover charges for a service provided to a property from any person other than a person that has agreed to be the customer of the distributor in relation to the property or that has agreed to assume responsibility for those charges. 6.1.2.2 For the purposes of section 6.1.2.1, the agreement may be in electronic form pursuant to the Electronic Commerce Act, 2000, and includes telephone communications provided that a recording of the telephone communication is retained by the distributor for a period as set out in section 1.11.</p>
Distribution System Code	6.2A.6	<p><i>6.2A Connection Process for Distributor-owned Generation Facilities</i> Where any provision of section 6.2A requires a distributor to document information or to complete a document, the distributor shall</p>	<p><i>6.2A Connection Process for Distributor-owned Generation Facilities</i> Where any provision of section 6.2A requires a distributor to document information or to complete a document, the distributor shall</p>

Appendix A: Summary of Proposed Amendments to RRRs, Codes and Rules

Document Name	Section Reference	Requirement	Amended Requirement
		retain the document until two years after the date on which the connection process is terminated in respect of its generation facility or the date on which its generation facility ceases to be connected to its distribution system.	retain the document for a minimum period of current calendar year plus nine (9) years after the date on which the connection process is terminated in respect of its generation facility or the date on which its generation facility ceases to be connected to its distribution system.
Electricity Retailer Code of Conduct	1.6.3 (new section)		1.6.3 Record Keeping and Record Retention Where this Code refers to retention of documents and provision of information or there is a requirement for reporting, a retailer shall maintain updated records and retain the records for a minimum period of current calendar year plus nine (9) years. Furthermore a retailer shall maintain updated records and retain the records for a minimum period of current calendar year plus nine (9) years so as to be able to substantiate compliance with this Code.
Retail Settlement Code	1.10 (new section)		1.10 Record Keeping and Record Retention Where this Code refers to retention of documents and provision of information or there is a requirement for reporting, a distributor shall maintain updated records and retain the records for a minimum period of current calendar year plus nine (9) years. Furthermore a distributor shall maintain updated records and retain the records for a minimum period of current calendar year plus nine (9) years so as to be able to substantiate compliance with this Code.

Appendix A: Summary of Proposed Amendments to RRRs, Codes and Rules

Document Name	Section Reference	Requirement	Amended Requirement
Standard Supply Service Code	1.8 (new section)		1.8 Record Keeping and Record Retention Where this Code refers to retention of documents and provision of information or there is a requirement for reporting, a distributor shall maintain updated records and retain the records for a minimum period of current calendar year plus nine (9) years. Furthermore a distributor shall maintain updated records and retain the records for a minimum period of current calendar year plus nine (9) years so as to be able to substantiate compliance with this Code.
Transmission System Code	4.8 (new section)		4. Standards Of Business Practice And Conduct 4.8 Record Keeping and Record Retention Where this Code refers to retention of documents and provision of information or there is a requirement for reporting, a distributor shall maintain updated records and retain the records for a minimum period of current calendar year plus nine (9) years. Furthermore a distributor shall maintain updated records and retain the records for a minimum period of current calendar year plus nine (9) years so as to be able to substantiate compliance with this Code.
Transmission System Code	7.1.2. A	A transmitter shall maintain complete and accurate records of the results of all performance inspecting, testing and monitoring that it conducts in fulfillment of its obligations under this Code. The transmitter shall keep these records for a minimum of	A transmitter shall maintain complete and accurate records of the results of all performance inspecting, testing and monitoring that it conducts in fulfillment of its obligations under this Code. The transmitter shall keep these records for <u>a period as set</u>

Appendix A: Summary of Proposed Amendments to RRRs, Codes and Rules

Document Name	Section Reference	Requirement	Amended Requirement
		seven years or for such shorter time as the Board may permit, and shall make them available to the Board on request.	<u>out in section 4.8</u> or for such shorter time as the Board may permit, and shall make them available to the Board on request.
Unit Sub-Metering Code	1.8 (new section)		1.8 Record Keeping and Record Retention A unit sub-meter provider shall maintain and retain the records for a minimum period of current calendar year plus nine (9) years.
Affiliate Relationships Code Electricity Distributors And Transmitters	1.7 (new section)		1.7 Record Keeping and Record Retention A utility shall maintain and retain the records for a minimum period of current calendar year plus nine (9) years.
Affiliate Relationships Code Electricity Distributors And Transmitters	2.7.1	2.7.1 A utility shall be responsible for ensuring compliance with this Code and shall: (a) perform periodic compliance reviews; (b) communicate the Code to its employees; and (c) monitor its employees' compliance with this Code.	2.7.1 A utility shall be responsible for ensuring compliance with this Code and shall: (a) perform periodic compliance reviews; (b) communicate the Code to its employees; (c) monitor its employees' compliance with this Code; and <u>(d) maintain updated records and retain the records for a period as set out in section 1.7 so as to be able to substantiate compliance with this Code.</u>
Natural Gas			
Natural Gas Reporting and Record Keeping Requirements (RRR) Rule For Gas Utilities	1.7 (new section)		1.7 Record Keeping and Record Retention A utility shall maintain and retain the records for a minimum period of current calendar year plus nine (9) years.

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Document Name	Section Reference	Requirement	Amended Requirement
Natural Gas Reporting and Record Keeping Requirements (RRR) Rule For Gas Utilities	2.3.1	A utility shall maintain records for a period of two years of all written complaints by consumers and other industry participants regarding services provided by the utility, together with the responses to those complaints. A utility shall provide the following information, in a form and manner and at such times as may be required by the Board: (a) The name and address of the complainant; (b) A description of the nature of the complaint including a copy of the written complaint; (c) A description of the remedial action taken; and (d) A copy of any correspondence received and/or sent with respect to each specific complaint.	A utility shall maintain records for a period as set out in section 1.7 of all written complaints by consumers and other industry participants regarding services provided by the utility, together with the responses to those complaints. A utility shall provide the following information, in a form and manner and at such times as may be required by the Board: (a) The name and address of the complainant; (b) A description of the nature of the complaint including a copy of the written complaint; (c) A description of the remedial action taken; and (d) A copy of any correspondence received and/or sent with respect to each specific complaint.
Natural Gas Reporting and Record Keeping Requirements Gas Marketer Licence Requirements	1.8 (new section)		1.8 Record Keeping and Record Retention A gas marketer shall maintain and retain the records for a minimum period of current calendar year plus nine (9) years.
Natural Gas Reporting and Record Keeping Requirements Gas Marketer Licence Requirements	2.2.1	A gas marketer with customers who are low volume consumers as defined in the <i>Act</i> , shall maintain for a period of two years and provide in a form and manner and at such times as may be required by the Board, records of all written complaints by low volume consumers regarding services provided under the terms of the marketer's licence together with the responses to those complaints, containing the following	A gas marketer with customers who are low volume consumers as defined in the <i>Act</i> , shall maintain for a period as set out in section 1.8 and provide in a form and manner and at such times as may be required by the Board, records of all written complaints by low volume consumers regarding services provided under the terms of the marketer's licence together with the responses to those complaints, containing the following information:

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		<p>information:</p> <p>a) The name and address of the existing or prospective customer;</p> <p>b) A description of the nature of the complaint including a copy of the written complaint;</p> <p>c) A description of the remedial action taken; and</p> <p>d) A copy of any correspondence received and/or sent with respect to each specific complaint.</p>	<p>a) The name and address of the existing or prospective customer;</p> <p>b) A description of the nature of the complaint including a copy of the written complaint;</p> <p>c) A description of the remedial action taken; and</p> <p>d) A copy of any correspondence received and/or sent with respect to each specific complaint.</p>
Natural Gas Reporting and Record Keeping Requirements Gas Marketer Licence Requirements	2.2.3	<p>A gas marketer with customers who are low volume consumers as defined in the <i>Act</i>, shall maintain for a period of two years and provide in a form and manner and at such times as may be required by the Board, records of staff training material containing the following information:</p> <p>a) Training manuals and other print material;</p> <p>b) Training videos;</p> <p>c) Codes of conduct;</p> <p>d) Newsletters, bulletins, updates, circulars, notices, instruction sheets and other similar materials;</p> <p>e) Scripts used for door-to-door solicitation of existing or prospective customers; and</p> <p>f) Certification by each sales employee and sales agent that the training has been received and that the person is familiar with, and will abide by, the Code of Conduct for Gas Marketers.</p>	<p>A gas marketer with customers who are low volume consumers as defined in the <i>Act</i>, shall maintain for a period <u>as set out in section 1.8</u> and provide in a form and manner and at such times as may be required by the Board, records of staff training material containing the following information:</p> <p>a) Training manuals and other print material;</p> <p>b) Training videos;</p> <p>c) Codes of conduct;</p> <p>d) Newsletters, bulletins, updates, circulars, notices, instruction sheets and other similar materials;</p> <p>e) Scripts used for door-to-door solicitation of existing or prospective customers; and</p> <p>f) Certification by each sales employee and sales agent that the training has been received and that the person is familiar with, and will abide by, the Code of Conduct for Gas Marketers.</p>
Natural Gas Reporting and Record Keeping Requirements Gas	2.2.4	<p>A gas marketer with customers, who are low volume consumers as defined in the <i>Act</i>, shall maintain for a period of two years and provide in a form and manner and at such</p>	<p>A gas marketer with customers, who are low volume consumers as defined in the <i>Act</i>, shall maintain for a period <u>as set out in section 1.8</u> and provide in a form and manner and at</p>

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Marketer Licence Requirements		<p>times as may be required by the Board, marketing information containing the following:</p> <p>a) Offers (defined as a proposal to enter into a contract, agency agreement, or any other agreement or combination thereof, make to an existing or prospective customer), including hard copies of web pages containing offers;</p> <p>b) Promotional material including pamphlets, brochures, bill inserts, coupons, and flyers;</p> <p>c) Application/ registration forms;</p> <p>d) Form letters sent to existing and prospective customers;</p> <p>e) Sample identity cards (including photograph), outerwear, business cards and contact information of sales representatives; and</p> <p>f) Reference material including utility bills, price comparisons with details of price offers and forecasts (of the gas marketer) and other energy suppliers quoted, shown (or carried so as to be seen) or provided to existing or prospective customers (records shall be kept for each price change in the reference material).</p>	<p>such times as may be required by the Board, marketing information containing the following:</p> <p>a) Offers (defined as a proposal to enter into a contract, agency agreement, or any other agreement or combination thereof, make to an existing or prospective customer), including hard copies of web pages containing offers;</p> <p>b) Promotional material including pamphlets, brochures, bill inserts, coupons, and flyers;</p> <p>c) Application/ registration forms;</p> <p>d) Form letters sent to existing and prospective customers;</p> <p>e) Sample identity cards (including photograph), outerwear, business cards and contact information of sales representatives; and</p> <p>f) Reference material including utility bills, price comparisons with details of price offers and forecasts (of the gas marketer) and other energy suppliers quoted, shown (or carried so as to be seen) or provided to existing or prospective customers (records shall be kept for each price change in the reference material).</p>
Affiliate Relationships Code for Gas Utilities	1.7 (new section)		<p>1.7 Record Keeping and Record Retention</p> <p>Where this Code refers to retention of documents and provision of information or there is a requirement for reporting, a utility shall maintain updated records and retain the records for a minimum period of current calendar year plus nine (9) years. Furthermore a utility shall maintain</p>

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			updated records and retain the records for a minimum period of current calendar year plus nine (9) years so as to be able to substantiate compliance with this Code.
Affiliate Relationships Code for Gas Utilities	2.9.5	A record of all complaints and responses of the utility shall be kept for a period of three years and shall be made available for inspection by the Board.	A record of all complaints and responses of the utility shall be kept for a period of <u>as set out in section 1.7</u> and shall be made available for inspection by the Board.
Gas Distribution Access Rule (GDAR)	1.7 (new section)		1.7 Record Keeping and Record Retention Where this Rule refers to retention of documents and provision of information or there is a requirement for reporting, a gas distributor shall maintain updated records and retain the records for a minimum period of current calendar year plus nine (9) years. Furthermore a gas distributor shall maintain updated records and retain the records for a minimum period of current calendar year plus nine (9) years so as to be able to substantiate compliance with this Rule.
Gas Distribution Access Rule (GDAR)	5.1.1	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: <ul style="list-style-type: none"> • consumer name; • service address, including postal code; • consumer mailing address, including postal code; • consumer distribution service account number; 	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: <ul style="list-style-type: none"> • consumer name; • service address, including postal code; • consumer mailing address, including postal code; • consumer distribution service account number;

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		<ul style="list-style-type: none"> • meter identification number; <p>for billing purposes:</p> <ul style="list-style-type: none"> • 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); <p>for payment profile purposes:</p> <ul style="list-style-type: none"> • 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; <p>for consumption information:</p> <ul style="list-style-type: none"> • 24 months of consumption data by individual distribution service consumed. 	<ul style="list-style-type: none"> • meter identification number; <p>for billing purposes:</p> <ul style="list-style-type: none"> • 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); <p>for payment profile purposes:</p> <ul style="list-style-type: none"> • 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; <p>for consumption information:</p> <ul style="list-style-type: none"> • Consumption data <u>for a period as set out in section 1.7</u> by individual distribution service consumed.
Gas Distribution	5.4.1	A gas distributor shall, at a minimum, retain	A gas distributor shall, at a minimum, retain

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Access Rule (GDAR)		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.	consumer information until the later of: a) <u>A period as set out in section 1.7</u> ; b) <u>Another</u> period of time <u>as may be</u> required by the Board; and c) The period of time required by law.
Storage and Transportation Access Rule	1.8 (new section)		1.8 Record Keeping and Record Retention Where this Rule refers to retention of documents and provision of information or there is a requirement for reporting, a transmitter shall maintain updated records and retain the records for a minimum period of current calendar year plus nine (9) years. Furthermore a transmitter shall maintain updated records and retain the records for a minimum period of current calendar year plus nine (9) years so as to be able to substantiate compliance with this Rule.
Storage and Transportation Access Rule	4.1.6	4. REPORTING REQUIREMENTS 4.1 Information Requirements 4.1.1 A transmitter (including a transmitter that is also an integrated utility) shall post on its websites the following information: i) Index of Customers for transportation contracts; and ii) Operationally-Available Transportation Capacity; 4.1.6 The company shall maintain records of the information as per section 4.1 for a period of no less than five (5) years and provide these records as the Board may require from time to time.	4. REPORTING REQUIREMENTS 4.1 Information Requirements 4.1.1 A transmitter (including a transmitter that is also an integrated utility) shall post on its websites the following information: i) Index of Customers for transportation contracts; and ii) Operationally-Available Transportation Capacity; 4.1.6 The company shall maintain records of the information as per section 4.1 for a period of no less than <u>the period as set out in section 1.8</u> and provide these records as the Board may require from time to time.