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July 29, 2020

Ontario Energy Board  
2300 Yonge Street  
27<sup>th</sup> Floor  
Toronto, ON M4P 1E4

Attention: Christine Long, Board Secretary

Dear Ms. Long:

**Re: Low Income Energy Network (“LIEN”)  
Comments re Proposed Amendments to Standard Supply Service Code  
Board File No. EB-2020-0152**

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Please find attached LIEN’s comments about the OEB’s proposed amendments to the Standard Supply Service Code in the above-noted matter.

Yours truly,

Matt Gardner  
Partner  
*Certified as a Specialist in Environmental  
by the Law Society of Ontario*  
Encl.

cc: LIEN Legal Subcommittee  
Judy Simon

Document #: 1783802

**OEB Proposal to Amend the Standard Supply Service Code  
EB-2020-0152  
Low-Income Energy Network Comments  
July 29, 2020**

The Low-Income Energy Network (LIEN) sets out below its comments to the OEB regarding proposed amendments to the Standard Supply Service Code (SSSC), informed by our participation on the Time-of-Use (TOU) Customer Choice Working Group (Working Group) and our review of the OEB's July 15, 2020 Notice of Proposal to Amend the SSSC. We appreciate the opportunity to have participated in the Working Group meetings, to provide our comments during those meetings and to benefit from listening to other stakeholders.

LIEN wants to ensure that low-income electricity consumers in Ontario are fully informed of the process by which they may elect to switch from TOU pricing to tiered pricing starting on November 1, 2020, and how they may evaluate which of these two options is better.

In providing our comments we follow the order provided in the above-referenced OEB letter dated July 15, 2020.

## **The Election Process**

### ***Consumer Makes an Election***

For consumers switching from TOU pricing to tiered pricing, LIEN supports distributors making a form available on-line to provide notice to the distributor of the request to switch. LIEN is concerned that some customers may not have web access and would be unable to download the form. To account for this situation, LIEN recommends that the Board expand its method of election to include a requirement for distributors to send an election form by mail if requested by the consumer. Consistent with the opportunity to be able to e-mail, mail, or complete the form online, LIEN recommends adding to the proposed section 3.5.2 to increase customer choice regarding access to the form as highlighted in italics as follows:

3.5.2 A distributor shall make available on its website a form for the notice referred to in section 3.5.1 and provide it directly to any consumer that requests it. *The consumer may elect to receive the form either by downloading it from the website or through e-mail or mail. [...]*

LIEN concurs with distributors allowing consumers to complete the form by telephone. This may be important in serving customers who are impaired in some way from being able to fill out the form themselves. Rather than making it an option, LIEN recommends

that section 3.5.2 be amended to require distributors to offer this service unless there are circumstances that make providing this service not reasonable. Therefore, LIEN recommends amending section 3.5.2. as follows as shown in italics:

3.5.2 [...] The distributor shall accept notices of election by e-mail, mail, *online and by telephone, unless providing the service by telephone is unreasonable and provided that where the notice of election is completed by telephone the call must be recorded.*

LIEN concurs with making the form as simple as possible, and including on the form such information that is reasonably necessary for the distributor to process the RPP consumer's election. This will help to minimize any language barrier issues and facilitate customer choice.

For situations where the consumer is opening a new account, beginning to receive standard supply from switching from a contract with a retailer, or no longer wishes to be charged spot market prices, LIEN concurs that the distributor must ask such a consumer with an eligible time-of-use meter whether the consumer would like to be charged tiered prices. If there is a requirement to ask, then the distributor must provide information in response to a consumer request for information about the implications for that consumer of making the switch to tiered pricing. The distributor would provide information regarding potential savings/non-savings and the impact on the consumer's electricity bill based on historical consumption of the consumer. The OEB has recognized in proposed section 3.5.13 that information like this related to choosing tiered pricing may require being phased in, due to the timing of the launch of the opportunity to switch beginning on November 1, 2020.

LIEN concurs that implementation of the election in circumstances set out in proposed section 3.5.10 should not need the same requirements regarding the election made at other times, since it deals with other processes already in place for a customer either opening a new account or changing to a different eligible service and is occurring at the initiation of the distributor. However, LIEN recognizes that providing this level of customer service for consumers that wish to switch to tiered pricing at the first opportunity may pose administrative hurdles for utilities on the first bill after the launch of tiered pricing. As a result, the OEB may wish to consider, as necessary, a short phase in period, granting distributors a grace period.

### ***Distributor Notification to Consumer***

LIEN concurs with the OEB that: (1) consumers be advised about the status of their election, and (2) following the review of the consumer's election form, the distributor must notify the consumer when the election will take effect or that the election cannot be processed, with an explanation of how the form is incomplete or otherwise deficient. This is necessary to provide the consumer with an update on the processing of the form and

give the consumer an opportunity to take informed steps to correct any deficiency. LIEN also concurs that the notice to the consumer be provided using the same method of communication by which the consumer made the election: online, by phone with the call being recorded, by mail or e-mail.

### ***Consumer Election Implemented***

LIEN supports the OEB's proposal that distributors that receive elections from RPP consumers to switch to tiered pricing will effect this switch at the beginning of a new billing period. This is consistent with how other account/billing changes are implemented in the normal course. It reflects the need to provide an appropriate lead time for distributors to process requests while at the same time providing a simple and standard processing expectation for consumers.

### ***Confirmation of Implementation***

LIEN supports having a one-time confirmation to the consumer that the switch to tiered pricing has taken place and having the confirmation on the customer's bill. LIEN concurs with the OEB that the message be simple and to the point and adds that the message should stand out on the bill so that the message is easily visible to the consumer.

### **Record-keeping Requirements**

LIEN supports the record-keeping requirements proposed by the OEB.

### **Switching Back to TOU**

LIEN concurs with the proposed amendment to allow consumers who switch from TOU to tiered pricing to switch back at any time, as this maximizes customer choice. However, LIEN is mindful that the OEB may need to impose limits to manage the frequency of switching should costs to implement the level of switching become burdensome, and LIEN encourages the OEB to impose limits if this should occur. LIEN supports the OEB's monitoring of this situation over time and encourages the OEB to report on an annual basis the level of switching and cost implications.

### **Information for Consumers**

LIEN is of the view that it is essential that consumers have access to information to assist them in understanding and assessing their pricing options. The OEB has advised that it: (1) is considering what informational materials or tools would be appropriate for the OEB to develop for use by consumers, and (2) expects to re-engage with stakeholders on this topic. LIEN would be pleased to participate in future stakeholder engagements with the OEB on these matters.

## **Preparation of Billing Quantities by the Smart Metering Entity**

LIEN supports the Smart Metering Entity (SME) providing billing quantities for any “residential or general service less than 50 kW RPP consumer” that makes the switch to tiered pricing. Retaining the SME maintains centralized collection and reporting of data. That is important for RPP price setting. It provides data to enable the OEB to monitor how consumers respond to the choice of RPP pricing structures and to make adjustments to RPP pricing structures to ensure pricing is effective for cost recovery and consumers.

## **Permitting Acceptance of Elections Before October 13, 2020**

LIEN is concerned that if consumers cannot make their elections until October 13, 2020, consumers may not have sufficient time to make informed elections, especially those who may not have access to electronic means for purposes of receiving and submitting their election forms. This will place greater emphasis on utilities being ready to provide telephone service for consumers to request forms and to receive telephone assistance in filling them out.