

August 4, 2020

Christine Long
Registrar and Board Secretary
Ontario Energy Board
2300 Yonge Street
P.O. Box 2319
Toronto, Ontario
M4P 1E4

Dear Ms. Long

EB-2020-0152 – Notice of Proposal to Amend the Standard Supply Service Code

On June 1, 2020, the Government of Ontario announced that it intended to allow for Ontario Regulated Pricing Plan customers to opt out of time-of-use (TOU) pricing and elect to be served by their local distribution company (LDC) on the basis of tiered pricing. The Minister of Energy, Northern Development and asked the Ontario Energy Board (OEB) to develop, in consultation with LDCs and other stakeholders, the rules to implement this initiative by November 1, 2020.

An initial stakeholder meeting was held on June 9, 2020. A working group was established comprised of LDCs, consumer groups and other stakeholders. On July 15, the OEB issued a Notice of Proposal to Amend the Standard Supply Service Code to enable customers to opt out of TOU pricing. The OEB is seeking comments on the proposed amendments. These are the comment of the Consumers Council of Canada (Council). The Council's representative participated in two of the working group meetings.

Submissions:

The Council does not intend to comment on the detailed wording of the proposed amendments as we are generally in support of what the OEB is proposing and are not familiar with the technical billing and administrative limitations that the LDCs may face in implementing this initiative. The Council has the following general comments to make before providing some specific comments on the proposals:

- The Council recognizes that the OEB is being required by the Government of Ontario to permit RPP TOU customers to choose to be charged tiered prices starting November 1, 2020¹. From the Council's perspective the OEB should not mandate November 1, 2020, as the effective date unless the LDCs can ensure that the proper billing and administrative changes can be put into place in order to facilitate that date. In addition, before mandating that date the OEB should be satisfied that electricity consumers are provided with all of the information required to make an informed decision regarding the choice between TOU pricing and tiered pricing;

¹ EB-2020-0152 – Notice of Proposal to Amend the Standard Supply Service Code, p. 2

- The OEB has stated that it is essential that consumers have access to information to assist them in understanding and assessing their pricing options. In addition, the OEB indicated that it is considering what materials or tools would be appropriate for use by consumers, and that distributors may then also use if they wish rather than developing their own. The OEB also indicated its intent to re-engage with stakeholders on this topic in the near term.² The Council agrees that it is essential for consumers to have access to good information that will allow them to make an informed decision regarding their pricing structure. Accordingly, the Council fully supports reconvening the working group to address what information should be required in order to assist customers in making their choice. The Council would be interested in continuing to participate in that process;
- The Council is of the view that all LDCs should be required to provide consumers with an on-line tool to assess which option best suits them. Historical consumption patterns would allow for such an assessment – with the appropriate caveats (history is not necessarily indicative of the future). The development of that tool could be one of the topic areas covered by the working group in its consideration of customer education;
- The OEB is proposing that the amendments come into force on October 13, 2020³. It is unclear from the Council's perspective the significance of this date and if it could somehow restrict the timing of the implementation process.

The Election Process:

The Council is supportive of the election process outlined by the OEB. The first step is for the consumer to give notice to the LDC of an election to switch. As noted above, prior to this step it will be incumbent on the LDC to provide sufficient information to its customers well in advance of the November 1, 2020, implementation date. Customers need to be aware of the billing choices available and how to assess what billing choice might be best for them. Simply making an election form available on the utility website will not be sufficient.

The second step in the process is for the distributor to verify completeness of the election and notify the customer when the election will take place, or that it cannot be processed. The Council notes that the communication channels are - online, by phone, by mail or by e-mail. We support making all of these channels available. However, we note that during the COVID-19 pandemic mail has proven to be slower than normal. The 10-business day requirement may be difficult to meet if the customer has chosen to send and receive any correspondence by mail. Some flexibility may be required with respect to the notification process.

Record Keeping:

The Council is supportive of the OEB's proposed record keeping requirements.

Switching Back to TOU:

² Notice, p. 8

³ Notice, p. 9

The OEB is proposing that anyone who elects to switch from tiered pricing can choose to switch back at any time. The OEB has highlighted its intent to allow “maximum flexibility” with respect to switching. The Council is supportive of providing maximum flexibility in this context. If the issue of switching becomes problematic for LDCs in terms of administrative complexity and cost, then the issue could be revisited by the OEB. The OEB has explicitly indicated its intent to monitor the issue over time to see if any limitations to the frequency of switching are warranted.

The Council appreciates the opportunity to comment on the OEB’s proposals, and as indicated above, is willing to continue to be part of the working group process, if required.

Yours truly,

Julie E. Girvan

Julie E. Girvan