

February 8, 2022

Ms. Sana Adi
Energy Advisor
Electricity Policy, Economics and System Planning Branch
Ministry of Energy
77 Grenville St., 7th Floor
Toronto, ON M7A 2C1

Dear Ms. Sana

Re: proposed amendments to O Reg 363/16

Thank you for the opportunity to comment on the proposed amendments to O Reg 363/16. We anticipate that these proposed amendments will assist consumers in understanding their eligibility and local distribution companies (LDCs) in correctly administering the regulation. Our comments on the proposed amendments are provided herein.

Customers look to their LDC for information on programs, issues and costs. We anticipate that customers will contact their LDC when the proposed amendments come into effect seeking information and education on the changes (e.g., eligibility). We propose that the Ministry describe its customer education program (e.g., materials, delivery mechanism, the party responsible for educating the customer) and identify how it will support LDCs in delivering this program.

The proposed amendments must apply prospectively. We propose that the regulation include specific and clear language describing that it applies prospectively in all situations (e.g., to newly eligible accounts) and that under no circumstances does it apply retrospectively. This language must be unequivocal so that customers cannot retroactively seek benefits.

We are encouraged to see that the rules on when benefits are to be made available to the customer, as set out at 1.3 (5), are not proposed to be amended. We understand that customers are to continue to receive benefits on the later of:

- the first day of the billing cycle that commences after the regulation takes effect
- the first day of the billing cycle that commences after the customer files its new or updated self-declaration form

By preserving these rules LDCs will continue to avoid prorating bill amounts and will avoid the possibility of issuing bills with 3 changes (e.g., in November when the RPP and OER levels change).

We have identified a number of items where further clarification will be helpful:

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Electricity Distributors Association

- Define or clarify ‘related to’ as used in the definition of qualifying unit (e.g., provide a list of permitted relationships)
- Define or clarify ‘operator’ of a Retirement Residence
- Re: multi-unit complexes
 - Please clarify whether mobile home parks are multi-unit complexes (and if they are not, please provide the reasoning supporting this position so that LDCs can respond to customer inquiries correctly)
 - Confirm the rules on number of units; specifically, we seek to understand the requirements of a retirement residence (i.e., at least half of its units and a minimum of 6 units occupied by individual(s) who are at least 65 years old) versus other multi-unit complexes (i.e., that must have a minimum of 2 units)
 - Clarify whether half of the units in a Retirement Residence must be a “qualifying unit”
- Re the self-declaration form, we look forward to the Ministry, the OEB or another government body providing either guidance on, or a template(s) of, the self-declaration form (e.g., that clearly sets out the applicable eligibility requirements. In the case of a Retirement Residence the form would describe that at least 6 units and at least half of all units are to be occupied by at least 1 person over 65 and who is unrelated to the operator). Please clarify that:
 - the onus is on the customer to provide a complete and accurate self-declaration to the LDC
 - the customer is responsible for updating any previously provided self-declaration form
 - the LDC is not required to verify the information provided by the customer on its self-declaration
 - the LDC is not responsible for identifying eligible customers

As well, please clarify the LDC’s role in making the self-declaration form available to its customers.

We have identified transitional issues related to the proposed amendments. So that LDCs are appropriately prepared, we seek the clarification of the following:

- That any application or claim made prior to the amendments coming into force will be processed under the rules set out in the regulation that was in-force at the time that the application or claim was submitted, and that the new rules will apply as of the day that the amended Regulation takes effect
- How grandfathered customers are to be treated after the regulation comes into force
 - Whether these customers are required to submit a self-declaration if they are eligible to continue to receive the Ontario Electricity Rebate
 - How customers (e.g., a Retirement Residence with less than 6 total units) that are presently grandfathered until Oct 31, 2022, are to be treated as of November

Given the complexity of managing these transitional issues, we respectfully request that LDCs be given adequate time to prepare for the amendments coming into force.

We identified an opportunity to regularize the structure of the regulation. We ask that the government consider providing either:

- comprehensive definitions in the Definitions section or
- comprehensive eligibility criteria in the section of the regulation that applies to that customer type (e.g., for retirement residences: provide a comprehensive definition or

comprehensive criteria in paragraph 4.1 of Subsection 1.1 (1)) (note: this is consistent with the regulation's organization of the conditions to qualify as a multi-unit complex)

As always, we are happy to answer any questions you may have and to provide any clarifications you may need. Please do not hesitate to contact Kathi Farmer, the EDA's Senior Regulatory Affairs Advisor, at 416.659.1546 or at kfarmer@eda-on.ca.

Sincerely,

A handwritten signature in black ink, appearing to read "Teresa Sarkesian". The signature is fluid and cursive, with a long horizontal stroke at the end.

Teresa Sarkesian
President & Chief Executive Officer