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RP-2003-00247

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**NOTICE OF PROCEEDING AND NOTICE OF WRITTEN
HEARING**

TO AMEND GAS MARKETER LICENCES TO IMPLEMENT

**NATURAL GAS REPORTING AND RECORD KEEPING
REQUIREMENTS**

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The Ontario Energy Board (the 'Board') is commencing a proceeding on its own motion under section 52 of the *Ontario Energy Board Act, 1998*, to amend gas marketer licences, to implement the proposed reporting and record keeping requirements (RRRs) for gas marketers. All interested stakeholders are invited to comment on the proposed licence amendments. In addition, the Board is seeking comment on the proposed RRRs themselves.

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The Board will not be granting cost awards in this proceeding.

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The Board proposed amendments would require licence holders to provide such information as the Board requests from time to time. The current licence provision refers to the Director of Licensing, a position which no longer exists.

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The main purpose of the proposed Natural Gas Reporting and Record Keeping Licence Requirement is to restate and clarify the current reporting and regulatory relationship between the Board and those entities it regulates. The proposed RRRs reflect changes affecting the environment within which the Board exercises its regulatory function (eg impact of legislative changes, symmetry with electricity RRRs, etc).

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In developing the requirements, consideration was given to the level and necessity of information being requested. We had staff working groups generate potential requirements, had managers screen the requirements, had a Board panel review the requirements, conducted consultation sessions with active gas marketers, and received and considered their comments. Gas marketers will be given time to implement the requirements which should help them manage their costs. Given these efforts to constrain costs, it is anticipated that the costs gas marketers will incur due to implementation of the proposed rule have been minimized.

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In proposing this licence requirement, the Board is of the view that the benefits of restating and clarifying the current reporting and regulatory relationship between the Board and those entities it regulates outweigh the anticipated minimal costs to be incurred.

The Board intends to treat information filed under certain sections of the proposed RRRs, specified in the proposed licence requirement, in confidence. All other information filed will be placed on the public record directly. The Board is subject to the Freedom of Information and Protection of Privacy Act (FIPPA). Section 28 of that Act would require the Board to give notice to the licensee before releasing information which may be commercially sensitive and has been given in confidence. The licensee then has the opportunity to make submissions. If the Board decides to release the information, the licensee can appeal this and the information will not be disclosed pending the outcome of the appeal. If the Board decides not to release the information, the party requesting the information may appeal this decision to the Information and Privacy Commissioner.

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The attachment provides the proposed wording of the licence amendment. All persons are invited to comment on the licence amendments to implement the proposed reporting and record keeping requirement (RRRs) for gas marketers and on the requirements themselves. Documentary material in connection with this proceeding is available on the Board's website at www.oeb.gov.on.ca under 'What's New'. While general comments are somewhat useful, comments on each specific requirement would be more helpful. In particular, please comment on the following issues:

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- 1 appropriateness of the requirement for the information to be filed or for records to be kept;
- 2 completeness of the proposed requirements;
- 3 adequacy of the detail requested;
- 4 appropriateness of proposed filing frequency and timing; and
- 5 public access, reporting versus record keeping and related confidentiality issues.

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Hearings may be written, oral, or electronic. The Board intends to proceed by way of a written hearing. However, the Board will hold an oral or electronic hearing if a party satisfies the Board that there is good reason to hold an oral or electronic hearing. Any objections to a written hearing must be received by the Board in writing within 7 calendar days of delivery of this Notice.

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Any person who wishes to make a written representation with respect to the licence requirement **must** file nine (9) paper copies of the representation, and an electronic copy in Adobe Acrobat (PDF), or WordPerfect or Word, if possible, with the Acting Board Secretary by **4:30 pm on May 12, 2004**. The Board requests that the representation specifically reference the relevant sections of the licence requirement. Your submission must quote file number **RP-2003-0247** and include your name, address, e-mail address and fax number.

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The licence amendment, licence requirement and the written representations received by the Board with respect to the licence amendments and licence requirement will be available for public inspection on the Board's website at www.oeb.gov.on.ca and at the office of the Board during normal business hours.

If you have any questions regarding the proposed licence requirement, please contact Bendimia Castellanes at 416-440-8130 or toll free 1-888-632-6273.

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IMPORTANT

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IF YOU DO NOT FILE A WRITTEN SUBMISSION OBJECTING TO A WRITTEN HEARING OR DO NOT PARTICIPATE IN ACCORDANCE WITH THIS NOTICE, THE BOARD MAY PROCEED WITHOUT YOUR PARTICIPATION AND YOU WILL NOT BE ENTITLED TO FURTHER NOTICE IN THIS PROCEEDING.

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ADDRESS

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Attn: Mr. Peter H. O'Dell
Acting Board Secretary
Tel: 1-888-632-6273 (Toll free)
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DATED at Toronto April 15, 2004.

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ONTARIO ENERGY BOARD



Peter H. O'Dell
Acting Board Secretary

Attachment**PROPOSED LICENCE AMENDMENTS TO LICENCES****ISSUED PRIOR TO DECEMBER 9, 2003****Implementing proposed reporting and record keeping requirements****Section 4.1 is revoked and replaced with the following:**

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Gas Marketer Licence subsection 4.1.1

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The Licensee shall maintain records of and provide, in the manner and form determined by the Board, such information as the Board may require from time to time.

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Gas Marketer Licence subsection 4.1.2

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Without limiting the generality of condition 4.1.1 the Licensee shall notify the Board of any material change in circumstances that adversely affects or is likely to adversely affect the business, operations or assets of the Licensee as soon as practicable, but in any event no more than twenty (20) days past the date upon which such change occurs.

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