

NATURAL GAS REPORTING & RECORD KEEPING REQUIREMENTS
DRAFT GAS MARKETER REQUIREMENTS *(Revised Version)*

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1 GENERAL AND ADMINISTRATIVE PROVISIONS

1.1 The purpose of these reporting and record keeping requirements

These reporting and record keeping requirements set the minimum reporting and record keeping requirements with which a natural gas marketer must comply, in accordance with section 4.1.1 of its licence. They supercede all other requirements existing on the date this rule comes into effect. New requirements may arise in Ontario Energy Board decisions, orders or directions issued, and licences and regulatory instruments issued or amended, after this date. From time to time the Board may request additional or different information from natural gas marketers in order to fulfill its mandate.

1.2 Interpretations

Unless otherwise defined in these reporting and record keeping requirements, words and phrases that have not been defined shall have the meaning ascribed to them in the *Act*. Headings are for convenience only and shall not affect the interpretation of these licence requirements. Words importing the singular include the plural and vice versa. A reference to a document or a provision of a document includes an amendment or supplement to, or a replacement of, that document or that provision of that document.

1.3 To whom these reporting and record keeping requirements apply

These reporting and record keeping requirements apply to all licensed natural gas marketers.

1.4 Manner and format of reporting and record keeping

The reporting and record keeping requirements will be in the manner and format as prescribed by the Board.

1.5 Confidentiality of information

The Board intends to treat information filed under the specific sections of these Natural Gas Reporting and Record Keeping Requirements listed below in confidence. All other information filed will be placed on the public record directly.

2.1.1, 2.2.1, 2.2.2, 2.2.3 and 2.2.4.

The Board reserves the right to disclose aggregated information where the identity of any individual cannot be determined. The Board cautions parties that information treated as

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confidential may still be disclosed in a proceeding before the Board. This information may be introduced by an inspector under section 110 of the *Ontario Energy Board Act, 1998*, by a party to the proceeding or by the Board itself. However, a party would be able to request the Board to hold the document in confidence in that proceeding. The Board further cautions parties that it is subject to the *Freedom of Information and Protection of Privacy Act*.

1.6 Exemptions

The Board may grant an exemption to any provision of these licence requirements. An exemption may be made in whole or in part and may be subject to conditions or restrictions.

1.7 Coming into Force

These requirements shall come into force on January 1, 2005.

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2 MARKETER

2.1 Reporting

- 2.1.1 A marketer shall provide in the form and manner required by the Board, quarterly, by the last day of the month following the quarter end, information for the preceding quarter on contracts with customers who are low volume consumers as defined in the *Act*, as follows:
- (a) the total number of new customers successfully enrolled (accepted by the utility for flow) in the reporting quarter; and
 - (b) the total number of customers at the end of the reporting quarter.

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2.2 Record Keeping

- 2.2.1 A gas marketer with customers who are low volume consumers as defined in the *Act*, 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 information:
- (a) the name and address of the existing or prospective consumer;
 - (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.
- 2.2.2 A gas marketer with customers who are low volume consumers as defined in the *Act*, shall maintain on file and provide in a form and manner and at such times as may be required by the Board, records of sales personnel and customer information as referenced by the Code of Conduct for Gas Marketers and containing the following information:
- (a) a current list of salespersons who act for that gas marketer;
 - (b) a list of the gas marketer's customers;
 - (c) permission from each customer, signed by the customer, to submit a request to a gas distributor to allow the gas marketer to supply gas to the customer;
 - (d) the contract with each customer, with the customer's signature, to purchase gas from the gas marketer or for the gas marketer to purchase gas as agent for the customer, for as long as the contract or any renewal of it is in effect;
 - (e) where reaffirmation is required, the notice of reaffirmation of the contract by the customer, for as long as the contract or any renewal of it is in effect;
 - (f) the notice of acceptance of the renewal or extension from the customer, where such notice is required, for as long as the contract or any renewal of it is in effect; and
 - (g) such other information as the Board may reasonably require.
- 2.2.3 A marketer with customers who are low volume consumers as defined in the *Act*, 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:
- (a) training manuals and other print material;
 - (b) training videos;

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- (c) codes of conduct;
- (d) newsletters, bulletins, updates, circulars, notices, instruction sheets and other similar materials;
- (e) scripts used for door-to-door solicitation of existing or prospective customers; and
- (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.

2.2.4

A marketer with customers who are low volume consumers as defined in the *Act*, 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, marketing information containing the following:

- (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 consumer), including hard copies of Web pages containing offers;
- (b) promotional material including pamphlets, brochures, bill inserts, coupons and flyers;
- (c) application/ registration forms;
- (d) form letters sent to existing and prospective consumers;
- (e) sample identity cards (including photograph), outerwear, business cards and contact information of sales representatives; and
- (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 consumers (records shall be kept for each price change in the reference material).