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BULLETIN

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**TO: All Licensed Electricity Distributors
All Other Interested Parties**

RE: Effective Date of Change to or from Spot Market Pricing for Electing Spot Consumers under the Standard Supply Service Code

This Bulletin provides guidance in relation to the date on which an electing spot consumer may commence or cease to be charged on the basis of spot market pricing under the Standard Supply Service Code.

1. Background

Section 79.16(4) of the *Ontario Energy Board Act, 1998* (the “Act”) allows a consumer that is eligible to pay the commodity prices set by the Board under that section – referred to as the Regulated Price Plan (“RPP”) – to opt out of the RPP by filing a written statement to that effect with the distributor with whom the consumer has an account. Under section 8(1)(b) of Ontario Regulation 95/05 (Classes of Consumers and Determination of Rates) made under the Act, a consumer that is currently eligible for the RPP may only opt out in respect of a property for which an interval meter is used for billing purposes.

The Board’s Standard Supply Service Code (the “Code”) recognizes this ability to opt out of the RPP, and establishes the basis on which consumers that opt out – referred to in the Code as “electing spot consumers” – are to be charged assuming that they remain on standard supply service. Specifically, the Code requires that electing spot consumers be

charged on the basis of the spot market price.

Based on inquiries received, Board staff believes that guidance would be of assistance to the industry and consumers in relation to the date on which spot market pricing starts or ceases to apply to an electing spot consumer. This Bulletin sets out Board staff's views on that issue.

2. Effective Date of Spot Market Pricing

Under section 3.2.2 of the Code, the commodity price for electricity payable by an electing spot consumer that has an interval meter or another eligible time-of-use meter that is capable of providing data on at least an hourly basis is the spot market price determined in accordance with the Board's Retail Settlement Code.

Section 3.2.3 of the Code then provides that a distributor shall charge an electing spot consumer in accordance with section 3.2.2:

- i. only upon being requested to do so in writing by the electing spot consumer; and
- ii. in such a case, for electricity consumed after an actual read of the electing spot consumer's meter by the distributor.

In Board staff's view, the actual meter read referred to in section 3.2.3 of the Code can only be one that takes place after the consumer has submitted its written request to the distributor. As such, it is also Board staff's view that a distributor cannot charge an electing spot consumer on the basis of spot market pricing for any period that precedes that post-request meter read.

Similarly, where an electing spot consumer gives notice under section 3.2.6 of the Code that the consumer no longer wishes to be charged on the basis of spot market pricing, in Board staff's view the change in billing from spot market pricing to RPP pricing can only be

effective from the date on which the distributor reads the consumer's meter after having received that notification from the consumer.

The views expressed in this Bulletin are those of Board staff and are not binding on the Board.

Any enquiries regarding this Bulletin should be directed to the Board's Market Operations hotline, at 416-440-7604 or market.operations@ontarioenergyboard.ca.

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