

Assurance of Voluntary Compliance

**Pursuant to section 112.7 of the
*Ontario Energy Board Act, 1998***

Ottawa River Power Corporation

EB-2024-0154

August 29, 2024

I. STATEMENT OF FACTS

On April 14, 2022, the Ontario Energy Board (OEB) sent a letter to all licensed electricity distributors in the province advising them that the OEB had recently accepted an Assurance of Voluntary Compliance (AVC) from a distributor that had overcharged customers as a result of incorrectly prorating the fixed monthly charges approved by the OEB under section 78 of the *Ontario Energy Board Act, 1998* (OEB Act). The letter explained:

The AVC arose after a distributor identified that it was overcharging customers due to applying a daily charge that had been incorrectly calculated. While the distributor used the approved fixed monthly charges from its OEB-approved Rate Order, its billing system translated these monthly charges into a daily charge for application to customers' bills. In the translation from monthly to daily charge, the daily charge was calculated on the basis of there being 30 days in every month (or 360 days in a year) but billed customers 365 days a year, leading to an overcharge of each customer.

The letter asked all distributors to review their billing systems and to advise the OEB if they discovered the same proration issue.

On October 18, 2023, the OEB sent another letter requiring that all licensed, rate-regulated distributors that have not already come forward confirm that any OEB-approved fixed monthly charges are being applied correctly.

On November 8, 2023, Ottawa River Power Corporation ("**ORPC**") advised the OEB that it had reviewed its customer billing system to ensure accuracy relating to the fixed charge proration issue. Based on that review, ORPC determined that its billing system had been incorrectly translating approved fixed monthly charges for partial months. ORPC stated that the system was replicating the proration miscalculation - in the case of a partial month, the billing system translated the monthly charge into a daily charge based on a 30-day month (360 days a year) but billed customers 365 days a year resulting in overcharges. The software fix to address the proration issue was deployed effective from the October 2023 billing cycle forward.

ORPC confirmed the impact of the billing error resulted in overcharges of \$1,395.81 affecting 8,211 billing instances between January 2019 to September 2023.

ORPC subsequently advised that \$160.10 of these overcharges have been refunded to 888 customers whose accounts were currently active as of March 26, 2023.

Considering that a four-year customer credit would be small (around 17 cents per account), and that refunds have already been issued to customers who still have active accounts (leaving only customers who received impacted bills that are no longer customers of ORPC and therefore difficult to track down), ORPC has proposed instead to contribute the equivalent amount of funds that cannot be refunded to the Low-income Energy Assistance Program (LEAP), to help customers in need.

II. ASSURANCE

ORPC acknowledges that, as a result of its billing system configuration, it was over-billing some customers more than the OEB-approved fixed charges. To remedy the contravention of the rate orders, ORPC assures the OEB that it will take the following measures:

1. ORPC has made a payment of \$1,235.71 to the LEAP agency serving customers in the ORPC service territory, which is equivalent to four years of overcharges (January 2019 to September 2023) minus the amount of funds that were refunded to customer ORPC customers. The LEAP payment was made as of March 2024.
2. ORPC will notify customers of the contribution and this AVC, in a form and manner to be approved by the OEB.

III. ADMINISTRATIVE PENALTY

ORPC agrees to pay an administrative penalty to the OEB in the amount of \$3,000. Payment will be made electronically with notice sent to the Registrar, within four weeks of the acceptance of this AVC by the OEB.

IV. CONSUMER RIGHTS

Nothing in this AVC affects any rights a consumer may have under any applicable law.

V. FAILURE TO COMPLY

ORPC acknowledges that this AVC has the same force and effect as an order of the OEB pursuant to section 112.7(2) of the OEB Act.

VI. EXECUTION OF ASSURANCE

I have the authority to bind ORPC to the terms set out in this AVC.

Name: Justin Allen

Title: President & CEO

Signature: 

Dated this 29th day of August 2024