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**BY EMAIL AND WEB POSTING**

December 5, 2024

**NOTICE OF PROPOSAL TO AMEND A CODE**

**PROPOSED AMENDMENTS TO THE UNIT SUB-METERING CODE TO INCREASE  
AWARENESS OF THE CONSUMER PROTECTION FRAMEWORK FOR  
CUSTOMERS OF UNIT SUB-METER PROVIDERS**

**OEB FILE NO.: EB-2023-0345**

**To: All Licensed Unit Sub-Meter Providers  
All Other Participants in EB-2023-0345  
All Other Interested Parties**

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The Ontario Energy Board (OEB) is giving notice under section 70.2 of the *Ontario Energy Board Act, 1998* (Act) of proposed amendments to the *Unit Sub-Metering Code* (USM Code).

These proposed amendments are intended to increase awareness of the consumer protection framework for customers of unit sub-meter providers (USMPs) by requiring USMPs to:

- include in their Conditions of Service a description of policies regarding:
  - i. the disconnection and reconnection of residential consumers in the winter period; and
  - ii. the application of reconnection charges;
- provide their residential consumers with certain consumer protection information twice annually; and
- notify the OEB of any change to the mandatory content that must be included in their Conditions of Service.

The OEB is also taking this opportunity to make amendments that will update language in the USM Code.

## **A. Background**

On December 18, 2023, the OEB initiated a review of the consumer protection framework for customers of USMPs. The review was undertaken in response to recommendations contained in the Office of the Auditor General of Ontario's 2022 Value-for-Money Audit report entitled [Ontario Energy Board: Electricity Sector Regulatory Oversight and Consumer Protection](#).

In its response to the Auditor General, the OEB indicated it would undertake a review of the current customer service rules for USMPs. The purpose of the review was to assess the potential for further alignment of the USMP consumer protection framework with the customer service rules applicable to electricity distributors having regard to the OEB's legislative authority and took into account the circumstances of USMPs as competitive businesses and service providers to unregulated entities.

The OEB engaged stakeholders through surveys of individual USMP customers (via the OEB's Consumer Panel), surveys of all 25 licensed USMPs and targeted meetings with representatives of USMPs, consumer groups, and groups representing property owners, managers, developers and housing services. The details and results of the review are presented in the OEB's report entitled [Review of Consumer Protection Framework for Customers of Unit Sub-Meter Providers](#) (Report), issued on December 5, 2024. As a result of the review, the OEB is proposing amendments to the USM Code.

## **B. Proposed Amendments to the USM Code**

Appendix A to this Notice contains proposed amendments to the USM Code. A description of the proposed amendments, together with their rationale, is set out below. Interested parties are encouraged to review the Report. This will help to gain a better understanding of the stakeholder input and OEB analysis that has informed the proposed amendments set out in this Notice.

### Requirement to Include New Mandatory Information in Conditions of Service

Electricity distributors are banned from disconnecting residential consumers during the winter months and are also subject to rules related to the application and waiver (under certain conditions) of reconnection charges throughout the year. Although USMPs are not bound by these rules, the OEB's review found that many USMPs have similar policies in place. USMPs are not, however, making their customers aware of them.

To improve consumer awareness of USMP policies related to winter disconnection and reconnection, as well as the application of reconnection charges, the OEB is proposing amendments to ensure that a USMP's Conditions of Service include a description of its policies related to the following items:

Disconnection of residential consumers for non-payment during the "winter period," defined as the period commencing at 12:00 a.m. on November 15th in one year and ending at 11:59 p.m. on April 30th in the following year, and the reconnection of customers during the winter period who had been disconnected for non-payment. The USMP's policy on this issue must be included even if that policy is to disconnect residential consumers in the winter and/or to refrain from reconnecting customers.

Timing of application of any reconnection charge for customers who have been disconnected for non-payment (at any time of year) and any conditions under which that charge will be waived.

#### Requirement to Provide Notification of Changes to Conditions of Service

Currently, USMPs are required to make their Conditions of Service publicly available and provide advance notice to their customers of any changes.

The OEB is proposing that USMPs also be required to notify the OEB within 5 business days of making any changes to their respective Conditions of Service related to the items set out in the section above (i.e. winter disconnection and reconnection, and the timing of reconnection charges) and to any other mandatory content listed in section 3.2.5 of the USM Code.

These amendments to the USM Code will help to ensure the OEB remains informed of updates to USMP's policies, just as electricity distributors are required to provide the OEB with a copy of the Conditions of Service once they are implemented.

#### Requirement Related to Raising Awareness of the Consumer Protection Framework

To improve consumer awareness of some of the key rules that are in place to protect their interests, and of the availability of financial assistance programs to help eligible customers with their electricity bills, the OEB is proposing amendments that would require USMPs to communicate the following information to their residential consumers twice annually:

- the availability of arrears payment agreements;
- the availability of financial assistance programs for eligible low-income consumers;
- how to access the USMP's Conditions of Service; and
- the OEB's contact information for consumer complaint purposes.

The OEB is proposing that this twice annual communication be provided using each customer's preferred method of communication, if known by the USMP. If the preferred method of communication is not known, the communication should occur by mail, or other method of direct communication to the customer as determined appropriate by the USMP.

#### Amendments to Update Language in the USM Code

The OEB is taking this opportunity to also propose a minor, non-substantive change to sections 3.3.1 and 4.2.7A of the USM Code. These proposed amendments do not change existing requirements. They are intended to improve clarity and consistency.

Also, as part of its commitment to being a truly diverse, accessible, and inclusive organization, the OEB promotes the use of language that is inclusive to everyone, including in its regulatory instruments. The word "master" has been identified as one example that may not align with that objective. While this word is commonplace and acceptable in some circumstances, there is no compelling basis for its use in the USM Code and the OEB sees merit in using alternative language.

The OEB is therefore considering the following changes to the USM Code and would appreciate stakeholder comment on this proposal and would welcome suggestions for other alternative wording:

Replacing "master bill" with "principal bill";

Replacing "master consumer" with "principal consumer"; and

Replacing "master meter" with "principal meter."

The OEB would propose to make similar changes to the few instances of the word "master" in the Distribution System Code when the opportunity presents itself.

### **C. Anticipated Costs and Benefits**

As discussed in the Report, a primary theme emerging from the review was a lack of awareness among USMP customers about the current consumer protection framework.

The OEB believes that customers of USMPs will benefit from the greater transparency that the proposed new requirements will bring.

Many USMPs already communicate at least twice annually with their customers in relation to customer service and consumer protection matters. Therefore, the OEB expects that the costs of implementing the proposed USM Code amendments to enhance awareness among customers of USMPs will be negligible for USMPs and will

be offset by the benefits to their customers. Ensuring that customers of all USMPs are aware of the availability of arrears payment agreements and financial assistance programs may also assist USMPs in the management of arrears and related collection costs.

#### **D. Coming into Force**

The OEB proposes that the amendments to the USM Code, as set out in Appendix A, will come into force five months after the date that the OEB publishes the final amendments by placing them on the OEB's website.

#### **E. Invitation to Comment**

The OEB invites comments from all interested parties on the proposed amendments to the USM Code set out in Appendix A. Comments are due on January 16, 2025.

#### **Filing Instructions**

Persons filing materials with the OEB are responsible for ensuring that any documents they file with the OEB do not include personal information (as that phrase is defined in the *Freedom of Information and Protection of Privacy Act*), unless filed in accordance with rule 9A of the OEB's [Rules of Practice and Procedure](#).

Please quote file number, **EB-2023-0345** for all materials filed and submit them in a searchable/unrestricted PDF format with a digital signature through the [OEB's online filing portal](#).

Filings should clearly state the sender's name, postal address, telephone number and e-mail address.

Please use the document naming convention and documentation submission standards outlined in the [Regulatory Electronic Submission System \(RESS\) Document Guidelines](#) found on the [Filing Systems page](#) of the OEB's website.

Stakeholders are encouraged to use RESS. Those who have not yet [setup an account](#) or require assistance using the online filing portal should contact [registrar@oeb.ca](mailto:registrar@oeb.ca) for assistance.

Cost claims are not filed through the OEB's online filing portal. Please visit the OEB's website for more information on how to [file documents online](#). All participants shall download a copy of their submitted cost claim and serve it on all required parties as per the [Practice Direction on Cost Awards](#).

Filings must be received by **4:45 p.m.** on the required date.

**F. Cost Awards**

Cost awards will be available under section 30 of the Act, to eligible participants in relation to written comments provided on the proposed USM Code amendments set out in Appendix A to this Notice. Any participant previously found eligible for an award of costs in consultation process EB-2023-0345 as set out in the OEB's [April 8, 2024 letter](#) is eligible for an award of costs in relation to comments on the proposed USM Code amendments and need not reapply. Costs awarded will be recovered from all licensed USMPs apportioned based on their respective customer numbers. Appendix B contains important information regarding cost awards for this Notice and comment process, including in relation to eligibility requests and objections and the maximum number of hours for which cost awards can be claimed. The deadlines for filing cost eligibility requests and objections will be strictly enforced to facilitate a timely decision on cost eligibility.

This Notice and all other project materials, including all written comments and filings relating to cost awards received by the OEB will be available for public viewing at [Review of Consumer Protection Framework for Customers of Unit Sub-Meter Providers](#).

If you have any questions regarding the proposed amendments to the USM Code, as described in this Notice, please contact [IndustryRelations@oeb.ca](mailto:IndustryRelations@oeb.ca). The OEB's toll-free number is 1-888-632-6273.

**DATED** at Toronto, December 5, 2024

**ONTARIO ENERGY BOARD**

Nancy Marconi  
Registrar

Attachments:

Appendix A – Proposed Amendments to the Unit Sub-Metering Code

Appendix B – Cost Awards

## Appendix A

### Notice of Proposed Amendments to the Unit Sub-Metering Code

December 5, 2024

EB-2023-0345

#### Proposed Amendments to the Unit Sub-Metering Code

1. Section 3.2 of the Unit Sub-Metering Code is amended by adding the following new section 3.2.4A:

3.2.4A A unit sub-meter provider shall notify the OEB of any change to its Conditions of Service related to any of the subject matters listed in section 3.2.5 within 5 business days of the change taking effect.

2. Section 3.2.5 of the Unit Sub-Metering Code is amended by:

- i. adding the following new paragraph (d.1) after paragraph (d):

(d.1) its policy in relation to the timing of the application of any charge for reconnecting residential consumers who have been disconnected for non-payment, and any conditions under which the reconnection charge may be waived;

- ii. removing “and” from the end of paragraph (e); and

- iii. adding the following new paragraph (e.1) after paragraph (e):

(e.1) its policy in relation to disconnecting residential consumers for non-payment at any time during the winter period and in relation to the reconnection of residential consumers during the winter period who had been disconnected for non-payment, which for greater clarity includes a policy permitting disconnection and/or refraining from reconnection during the winter period; and

3. Section 3.2 of the Unit Sub-Metering Code is amended by adding the following new section 3.2.5A:

3.2.5A For the purposes of paragraph (e.1) of section 3.2.5, “winter period” means the period commencing at 12:00 a.m. on November 15th in one year and ending at 11:59 p.m. on April 30th in the following year.

4. Section 3.3.1 of the Unit Sub-Metering Code is amended by replacing the words “sub-metering” with the words “sub-meter”.
5. Section 3.3 of the Unit Sub-Metering Code is amended by adding the following new sections 3.3.1A and 3.3.1B:

3.3.1A A unit sub-meter provider shall provide to its residential consumers, at least twice annually, the following information in writing:

- (a) information about the availability of arrears payment agreements;
- (b) information about the availability of LEAP and OESP and any other electricity bill financial assistance program that the unit sub-meter providers may be required to make available to its residential consumers;
- (c) information about how to access the unit sub-meter provider’s Conditions of Service; and
- (d) information about how to contact the Board to file a complaint.

3.3.1B A unit sub-meter provider shall deliver the information required under section 3.3.1A to a residential consumer by the consumer’s preferred method of communication, if known, otherwise by mail or any other means determined appropriate by the unit sub-meter provider.

6. Section 4.2.7A of the Unit Sub-Metering Code is amended by replacing the word “distributor” with the words “unit sub-meter provider”.



## Appendix B

### Notice of Proposed Amendments to the

### Unit Sub-Metering Code

December 5, 2024

EB-2023-0345

### Cost Awards

#### Cost Award Eligibility

The OEB will determine eligibility for cost awards in accordance with its Practice

Direction on Cost Awards. Any participant in this process intending to request cost awards (and that has not already been determined eligible for cost awards in the OEB's [April 8, 2024 letter](#)) must file a written submission with the OEB by **December 12, 2024**, identifying the nature of their interest in this process and the grounds on which they are eligible for cost awards (addressing the OEB's cost eligibility criteria in section 3 of the OEB's Practice Direction on Cost Awards). An explanation of any other funding to which the participant has access must also be provided, as should the name and credentials of any lawyer, analyst or consultant that the person intends to retain, if known. All requests for cost eligibility will be posted on the OEB website.

Licensed unit sub-meter providers will be provided with an opportunity to object to any of the requests for cost award eligibility. If a unit sub-meter provider has any objections to any of the cost eligibility requests, those objections must be filed with the OEB by **December 17, 2024**. Any objections will be posted on the OEB website. The OEB will then make a final determination on the cost eligibility of the requesting participants.

#### Eligible Activities

Cost awards will be available in relation to providing comments on the proposed USM Code amendments in Appendix A, to a maximum of 8 hours.

#### Cost Awards

The OEB will apply the principles in section 5 of its *Practice Direction on Cost Awards*, when determining the amount of the cost awards. The maximum hourly rates in the OEB's Cost Awards Tariff will also be applied. The OEB expects that groups

representing the same interests or same type of participant will make every effort to communicate and co-ordinate their participation in this process. Cost awards are made available on a per eligible participant basis, regardless of the number of professional advisors that an eligible participant may wish to retain.

The OEB will use the process in section 12 of its *Practice Direction on Cost Awards* to implement the payment of the cost awards; i.e., the OEB will act as a clearing house for all cost award payments in this process. For more information on this process, please see the OEB's *Practice Direction on Cost Awards* and the October 27, 2005 letter regarding the rationale for the OEB acting as a clearing house for the cost award payments. These documents can be found at [www.oeb.ca](http://www.oeb.ca) on the "[Rules, Codes, and Requirements](#)" webpage.