

ONTARIO REGULATION
made under the
ONTARIO ENERGY BOARD ACT, 1998
ONTARIO ELECTRICITY SUPPORT PROGRAM

Definitions and interpretation

1. (1) In this Regulation,¹

“account-holder” means a consumer,

- (a) who has an account with a licensed distributor that falls within a residential-rate classification as specified in a rate order made by the Board under section 78 of the Act, and who lives at the service address to which the account relates for at least six months in a year,
- (b) who has an account with Dubreuil Lumber Inc. or Cornwall Street Railway Light and Power Company Limited for electricity service at a residential dwelling, and who lives at the dwelling for at least six months in a year, or
- (c) who has an account with a unit sub-meter provider for electricity service at a residential dwelling, and who lives at the dwelling for at least six months in a year; (*“French”*)

“electricity-intensive medical device” means an oxygen concentrator, a mechanical ventilator or a kidney dialysis machine; (*“French”*)

“electricity provider” means, in relation to an account-holder, the licensed distributor referred to in clause (a) of the definition of “account-holder” or the unit sub-meter provider referred to in clause (b) of that definition, as the case may be; (*“French”*)

¹ FLS: see, for the most part, s. 1 of the current regulation for this entire section.

“embedded distributor” means a licensed distributor who is not a market participant and to whom a host distributor distributes electricity; (*“French”*)

“host distributor” means a licensed distributor who is a market participant and who distributes electricity to an embedded distributor; (*“French”*)

“household” means, subject to subsections (2) and (3), the account-holder and any other people living at the account-holder’s service address or residential dwelling for at least six months in a year, including people other than the account-holder’s spouse, children or other relatives; (*“French”*)

“household income” means the combined annual after-tax income of all members of a household aged 18 or over; (*“French”*)

“Indigenous person” means a person who is a First Nations person, a Métis person or an Inuit person; (*“French”*)

“licensed distributor” means a distributor who is licensed under Part V of the Act; (*“French”*)

“OESP” means the Ontario Electricity Support Program continued under section 79.2 of the Act; (*“French”*)

“OESP administrative costs” means,

- (a) any payments the IESO is required by the Board to make, pursuant to the IESO’s licence, out of the credit balance in the variance account described in section 12, in respect of the administration of the OESP, and
- (b) any payments the IESO is required by the Minister to make in respect of the administration of the OESP; (*“French”*)

“rate assistance” means OESP rate assistance under section 79.2 of the Act. (*“French”*)

(2) When applications are processed pursuant to an agreement with the Minister of Community and Social Services under section 79.2.1 of the Act on behalf of an account-holder who is a recipient of income support under the *Ontario Disability Support Program Act, 1997*, who is an applicant that satisfies the requirements set out in clauses 5 (1) (b) to (e) of that Act or who is a member of such a recipient’s or applicant’s benefit unit, as defined in that Act,

“household” has the same meaning as “benefit unit” in the *Ontario Disability Support Program Act, 1997*.

(3) When applications are processed pursuant to an agreement with the Minister of Community and Social Services under section 79.2.1 of the Act on behalf of an account-holder

who is a recipient of basic financial assistance under the *Ontario Works Act, 1997*, who is an applicant eligible for basic financial assistance under that Act or who is a member of such a recipient's or applicant's benefit unit, as defined in that Act,

"household" has the same meaning as "benefit unit" in the *Ontario Works Act, 1997*.

(4) For the purpose of section 79.2 of the Act and this Regulation,

"lost revenue resulting from the provision of rate assistance" includes OESP administrative costs.

(5) For the purpose of section 79.2 of the Act and this Regulation,

- (a) Hydro One Remote Communities Inc. is deemed to be an embedded distributor and Hydro One Networks Inc. is deemed to be its host distributor; and
- (b) Cornwall Street Railway Light and Power Company Limited is deemed to be an embedded distributor and Canadian Niagara Power Inc. is deemed to be its host distributor.

Rate-assisted consumers

2. The account-holders set out in Schedule 1 are prescribed as rate-assisted consumers for the purposes of subsection 79.2 (7) of the Act.

Rate assistance

3. (1) Rate assistance shall be provided to rate-assisted consumers on a monthly basis.

(2) The monthly amount of rate assistance for each class of rate-assisted consumer set out in Schedule 1 is,²

- (a) \$35 for account-holders in Class A;
- (b) \$40 for account-holders in Class B;
- (c) \$45 for account-holders in Class C;
- (d) \$51 for account-holders in Class D;
- (e) \$52 for account-holders in Class E;
- (f) \$57 for account-holders in Class F;

² FLS: see s. 5 (2) of the current regulation.

- (g) \$60 for account-holders in Class G;
- (h) \$63 for account-holders in Class H;
- (i) \$68 for account-holders in Class I;
- (j) \$75 for account-holders in Class J;
- (k) \$83 for account-holders in Class K;
- (l) \$90 for account-holders in Class L; and
- (m) \$113 for account-holders in Class M.

Payments to rate-assisted consumers

4. (1) An electricity provider shall, as soon as reasonably practicable after it receives notice that one of its account-holders is eligible for rate assistance, apply the applicable rate assistance to the account-holder's bill.

(2) Subject to subsection 79.2(13) of the Act, in providing rate assistance to rate-assisted consumers, electricity providers shall comply with any applicable code, order or licence condition issued or made by the Board.

Compensation for lost revenue

5. (1) Sections 6 to 8 apply for the purposes of providing compensation under subsection 79.2 (10) of the Act for any lost revenue resulting from the provision of rate assistance on and after the day on which any money required for the OESP begins to be paid out of money appropriated by the Legislature under subsection 79.2 (4) of the Act.

(2) The IESO is prescribed as an entity that is entitled to be compensated under subsection 79.2 (10) of the Act for any lost revenue resulting from the provision of rate assistance under the OESP.³

Compensation for lost revenue to licensed distributors

6. (1) Every embedded distributor who provides rate assistance shall provide to its host distributor, at the times and in the form and manner specified by the host distributor, information respecting the amount of rate assistance provided to rate-assisted consumers who have accounts with the embedded distributor for the last month ending before the day the information is to be provided, and any adjustments to be made in respect of earlier months.⁴

³ FLS: see s. 2 of the current regulation.

⁴ FLS: FYI (since it's unilingual), but this is from s. 8 (1) O. Reg. 198/17.

(2) Every licensed distributor who is a market participant and who provides rate assistance shall provide to the IESO, at the times and in the form and manner specified by the IESO, information respecting the following amounts in respect of the last month ending before the day the information is to be provided:⁵

1. The amount of rate assistance provided to rate-assisted consumers who have accounts with the licensed distributor for the month, and any adjustments to be made in respect of earlier months.
2. The amount of rate assistance provided to rate-assisted consumers who have accounts with embedded distributors of which the licensed distributor is the host distributor for the month, and any adjustments to be made in respect of earlier months.

(3) Based on the information provided in subsection (2):

- (a) the IESO shall, after receiving the information required for a month from a licensed distributor who is a market participant, pay to the licensed distributor a sufficient amount to compensate,
 - (i) the licensed distributor for lost revenue resulting from the provision of rate assistance to rate-assisted consumers who have accounts with the licensed distributor for the month, subject to any adjustments to be made in respect of earlier months, and
 - (ii) embedded distributors of which the licensed distributor is the host distributor for lost revenue resulting from the provision of rate assistance to rate-assisted consumers who have accounts with the embedded distributors for the month, subject to any adjustments to be made in respect of earlier months; and
- (b) a host distributor shall pay to every embedded distributor of which it is a host distributor a sufficient amount to compensate the embedded distributor for lost revenue resulting from the provision of rate assistance to rate-assisted consumers who have accounts with the embedded distributor for a month, and shall do so before the date, if any, specified by the Board, subject to any adjustments to be made in respect of earlier months.

(4) The IESO shall provide to the Minister, at the times and in the form and manner specified by the Minister, the following information in respect of the last month ending before the day the information is to be provided:

⁵ FLS: See s. 8 (2) O. Reg. 198/17.

1. The amounts paid by the IESO to each licensed distributor who is a market participant pursuant to subsection (3).
2. The amounts reported by each licensed distributor who is market participants to the IESO pursuant to subsection (2).

(5) Based on the information provided under subsection (4),

- (a) the Minister shall pay to the IESO sufficient amounts to compensate licensed distributors for lost revenue resulting from the provision of rate assistance to rate-assisted consumers who have accounts with licensed distributors for a month, subject to any adjustments to be made in respect of earlier months.

(6) Despite subsections (3) and (5), the amount of compensation to which a licensed distributor is entitled is subject to such subsequent adjustments as may be required by reason of,

- (a) the provision to a person to whom information is given under this section of additional information; or
- (b) a determination made by an inspector who conducts an inspection or inquiry under section 79.8 of the Act that relates to the licensed distributor or to another electricity provider.

(7) Despite subsections (3), (5) and (6), no amount is payable as compensation to a licensed distributor required to provide information under this section who fails without reasonable cause to provide any information required to be provided under this section within the time it is required to be provided.

(8) Payments required under this section by the IESO to a licensed distributor who is a market participant and any subsequent adjustments may be made at the option of the IESO by way of set-off in the accounts maintained by the IESO.

(9) Payments required under this section by a host distributor to an embedded distributor and any subsequent adjustments may be made at the option of the host distributor by way of set-off in the accounts maintained by the host distributor.

Compensation for lost revenue to unit sub-meter providers

7. (1) Every unit sub-meter provider who provides rate assistance shall provide to the IESO, at the times and in the form and manner specified by the IESO, information respecting the amount of rate assistance provided to rate-assisted consumers who have accounts with the unit

sub-meter provider are for the last month ending before the day the information is to be provided, and any adjustments to be made in respect of earlier months.

(2) Based on the information provided under subsection (1), the IESO shall, after receiving the information required for a month from a unit sub-meter provider, pay to the unit sub-meter provider a sufficient amount to compensate the unit sub-meter provider for lost revenue resulting from the provision of rate assistance to rate-assisted consumers who have accounts with the unit sub-meter provider for the month, subject to any adjustments to be made in respect of earlier months.

(3) The IESO shall provide to the Minister, at the times and in the form and manner specified by the Minister, information respecting:

1. the amounts paid by the IESO to a licensed distributor who is a market participant pursuant to subsection (2).
2. The amounts reported by each unit sub-meter provider to the IESO pursuant to subsection (1).

(4) Based on the information provided under subsection (3), the Minister shall pay to the IESO sufficient amounts to compensate unit sub-meter providers for lost revenue resulting from the provision of rate assistance that rate-assisted consumers who have accounts with unit sub-meter providers have been provided for a month, subject to any adjustments to be made in respect of earlier months.

(5) Despite subsections (2) and (4), the amount of compensation to which a unit sub-meter provider is entitled is subject to such subsequent adjustments as may be required by reason of,

- (a) the provision to a person to whom information is given under this section of additional information; or
- (b) a determination made by an inspector who conducts an inspection or inquiry under section 79.8 of the Act that relates to the unit sub-meter provider or to another electricity provider.

(5) Despite subsections (2), (4) and (5), no amount is payable as compensation to a unit sub-meter provider who fails without reasonable cause to provide any information required to be provided under this section within the time it is required to be provided.

(6) Payments required under this section by the IESO to a unit sub-meter provider and any subsequent adjustments may be made at the option of the IESO by way of set-off in the accounts maintained by the IESO.

Compensation for lost revenue to IESO

8. The IESO shall, after making the payments referred to in sections 6 and 7 invoice the Minister for the compensation to which it is entitled under subsection 79.2 (10) of the Act⁶

[Placeholder for Provisions regarding Compensation for lost revenue to OEB, MOF, and Central Service Provider]

Additional duty to provide information

9. (1) This section begins to apply in the month [TBD].

(2) No later than June 30 in each year, the Board shall provide to the Minister, in the form and manner specified by the Minister, the following information respecting the provision of rate assistance in the preceding calendar year:

1. The number of rate-assisted consumers on December 31.
2. The number of account-holders who were deemed eligible to receive rate assistance for any period during the year, but who were no longer rate-assisted consumers on December 31.

(3) The Board shall provide to the Minister, at the times and in the form and manner specified by the Minister, the following information respecting the provision of rate assistance with respect to any period specified by the Minister:

1. The number of applications made for OESP during the period and, in respect of those applications,
 - i. the number of applications in which the applicant self-identified as an Indigenous person,
 - ii. the number of applications that stated that the account-holder or a member of the account-holder's household regularly uses, for medical purposes, an electricity-intensive medical device at the dwelling to which the account relates,⁷ and
 - iii. the number of applications that stated that the dwelling to which account relates is heated primarily by electricity.

⁶ FLS: see, to some extent, s. 3 (4) of the current regulation.

⁷ FLS: see s. 7 iii of Schedule 1 to the Regulation.

2. The number of applications for OESP accepted for rate assistance during the period, and the number of applications declined.
3. The number of applications for OESP made to a person or entity authorized under section 79.2.1 of the Act to process OESP applications that,
 - i. were made during the period,
 - ii. were accepted during the period
 - iii. as of the last day of the period,
 - A. were being processed, or
 - B. were delayed in being processed due to an error or omission.

(4) The IESO shall provide to the Minister, at the times and in the form and manner specified by the Minister, the following information respecting the provision of rate assistance with respect to any period specified by the Minister:

1. For each electricity provider with whom a rate-assisted consumer had an account during the period,
 - i. the amount of rate assistance provided during the period by the electricity provider, specified both as a total amount and by class of rate-assisted consumer, and
 - ii. the number of rate-assisted consumers who had an account with the electricity provider during the period, specified both as a total amount and by class of rate-assisted consumer.
2. The total amount disbursed during the period by the IESO to persons or entities in relation to the delivery, implementation or administration of the OESP during the period, including to,
 - i. the Board,
 - ii. the central service provider engaged by the Board to administer the OESP on the Board's behalf, or
 - iii. the Ministry of Finance.

3. Any other information respecting the provision of rate assistance that the Minister may specify.

Additional duty of IESO to provide information

10. Beginning in the month in which the money required for the OESP begins to be paid out of money appropriated by the Legislature under subsection 79.2 (4) of the Act, the IESO shall, when providing information related to the provision of rate assistance to the Board as required by the Board, also provide the information to the Minister.

Reliance on information

11. For the purposes of this Regulation, a person or entity to whom information is required to be provided under this Regulation made under the Act shall rely on the information provided to it.

Transitional, variance account

12. For the purposes of subsections 79.2 (4) and (5) of the Act, the credit balance in the variance account maintained by the IESO under the OESP as it existed before section 2 of Schedule 2 to the *Fair Hydro Act, 2017* came into force shall be fully applied towards the provision of rate assistance.

Transitional, compensation for lost revenue

13. Before the day that sections 6 to 8 begin to apply, the IESO shall pay distributors and unit sub-meter providers the compensation to which they are entitled under that subsection 79.2 (10) of the Act each month, and shall retain for itself the compensation to which it is entitled under that subsection, from the variance account described in section 12.

Revocation

14. Ontario Regulation 314/15 (Ontario Electricity Support Program), made under the Act, is revoked.

Commencement

15. This Regulation comes into force on the later of section 2 of Schedule 2 to the *Fair Hydro Act, 2017* comes into force and the day it is filed.

SCHEDULE 1 CLASSES OF RATE-ASSISTED CONSUMERS⁸

The following are classes of rate-assisted consumers for the purposes of subsection 79.2 (7) of the Act and section 3 of this Regulation:

1. Class A is composed of the following account-holders, other than account-holders who also meet the requirements of Class E:
 - i. Account-holders with a household income of more than \$39,000 and no more than \$48,000 living in a household of three persons.
 - ii. Account-holders with a household income of more than \$48,000 and no more than \$52,000 living in a household of five persons.
 - iii. If the applications are processed pursuant to an agreement with the Minister of Community and Social Services under section 79.2.1 of the Act, account-holders living in any size household where the household income exceeds the maximum amount specified for that household size in any other part of this Schedule.
2. Class B is composed of the following account-holders, other than account-holders who also meet the requirements of Class G:
 - i. Account-holders with a household income of more than \$28,000 and no more than \$39,000 living in a household of two persons.
 - ii. Account-holders with a household income of more than \$39,000 and no more than \$48,000 living in a household of four persons.
 - iii. Account-holders with a household income of more than \$48,000 and no more than \$52,000 living in a household of six persons.
 - iv. If the applications are processed pursuant to an agreement with the Minister of Community and Social Services under section 79.2.1 of the Act, account-holders living in a household of one person where the household income is between \$28,001 and \$39,000.
3. Class C is composed of the following account-holders, other than account-holders who also meet the requirements of Class I:
 - i. Account-holders with a household income of \$28,000 or less living in a household of one or two persons.

⁸ Schedule to the current reg.

- ii. Account-holders with a household income of more than \$28,000 and no more than \$39,000 living in a household of three persons.
 - iii. Account-holders with a household income of more than \$39,000 and no more than \$48,000 living in a household of five persons.
 - iv. Account-holders with a household income of more than \$48,000 and no more than \$52,000 living in a household of seven or more persons.
4. Class D is composed of the following account-holders, other than account-holders who also meet the requirements of Class J:
- i. Account-holders with a household income of \$28,000 or less living in a household of three persons.
 - ii. Account-holders with a household income of more than \$28,000 and no more than \$39,000 living in a household of four persons.
 - iii. Account-holders with a household income of more than \$39,000 and no more than \$48,000 living in a household of six persons.
5. Class E is composed of account-holders with a household income and household size described under Class A who also meet any of the following requirements:
- i. The dwelling to which the account relates is heated primarily by electricity.
 - ii. The account-holder or any member of the account holder's family living within the household is an Indigenous person.
 - iii. The account-holder or any member of the account-holder's household regularly uses, for medical purposes, an electricity-intensive medical device at the dwelling to which the account relates.
6. Class F is composed of the following account-holders, other than account-holders who also meet the requirements of Class K:
- i. Account-holders with a household income of \$28,000 or less living in a household of four persons.
 - ii. Account-holders with a household income of more than \$28,000 and no more than \$39,000 living in a household of five persons.

- iii. Account-holders with a household income of more than \$39,000 and no more than \$48,000 living in a household of seven or more persons.
7. Class G is composed of account-holders with a household income and household size described under Class B who also meet any of the following requirements:
- i. The dwelling to which the account relates is heated primarily by electricity.
 - ii. The account-holder or any member of the account holder's family living within the household is an Indigenous person.
 - iii. The account-holder or any member of the account-holder's household regularly uses, for medical purposes, an electricity-intensive medical device at the dwelling to which the account relates.
8. Class H is composed of the following account-holders, other than account-holders who also meet the requirements of Class L:
- i. Account-holders with a household income of \$28,000 or less living in a household of five persons.
 - ii. Account-holders with a household income of more than \$28,000 and no more than \$39,000 living in a household of six persons.
9. Class I is composed of account-holders with a household income and household size described under Class C who also meet any of the following requirements:
- i. The dwelling to which the account relates is heated primarily by electricity.
 - ii. The account-holder or any member of the account holder's family living within the household is an Indigenous person.
 - iii. The account-holder or any member of the account-holder's household regularly uses, for medical purposes, an electricity-intensive medical device at the dwelling to which the account relates.
10. Class J is composed of,
- i. account-holders with a household income of \$28,000 or less living in a household of six or more persons, other than account-holders who also meet the requirements of Class M,

- ii. account-holders with a household income of more than \$28,000 and no more than \$39,000 living in a household of seven or more persons, other than account-holders who also meet the requirements of Class M, and
 - iii. account-holders with a household income and household size described under Class D who also meet any of the following requirements:
 - A. The dwelling to which the account relates is heated primarily by electricity.
 - B. The account-holder or any member of the account holder's family living within the household is an Indigenous person.
 - C. The account-holder or any member of the account-holder's household regularly uses, for medical purposes, an electricity-intensive medical device at the dwelling to which the account relates.
11. Class K is composed of account-holders with a household income and household size described under Class F who also meet any of the following requirements:
- i. The dwelling to which the account relates is heated primarily by electricity.
 - ii. The account-holder or any member of the account holder's family living within the household is an Indigenous person.
 - iii. The account-holder or any member of the account-holder's household regularly uses, for medical purposes, an electricity-intensive medical device at the dwelling to which the account relates.
12. Class L is composed of account-holders with a household income and household size described under Class H who also meet any of the following requirements:
- i. The dwelling to which the account relates is heated primarily by electricity.
 - ii. The account-holder or any member of the account holder's family living within the household is an Indigenous person.
 - iii. The account-holder or any member of the account-holder's household regularly uses, for medical purposes, an electricity-intensive medical device at the dwelling to which the account relates.

13. Class M is composed of account-holders with a household income and household size described under subparagraph i or ii of the description of Class J who also meet any of the following requirements:
 - i. The dwelling to which the account relates is heated primarily by electricity.
 - ii. The account-holder or any member of the account holder's family living within the household is an Indigenous person.
 - iii. The account-holder or any member of the account-holder's household regularly uses, for medical purposes, an electricity-intensive medical device at the dwelling to which the account relates.