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**REG2017.0643.e**  
**3-TP**

**ONTARIO REGULATION**  
made under the  
**ONTARIO FAIR HYDRO PLAN ACT, 2017**  
Amending O. Reg. 196/17  
(INVOICING REQUIREMENTS)

**1. Section 1 of Ontario Regulation 196/17 is revoked and the following substituted:**

**Information to be included on invoices**

**1.** (1) Subject to subsection (2), every electricity vendor and unit sub-meter provider shall comply with this section

- (a) as soon as is practicable after the day this section comes into force; and
- (b) in every case, no later than March 1, 2018.

(1.1) This section applies in respect of invoices issued to a specified consumer by the electricity vendor or unit sub-meter provider.

[OLC Note: There are some places in the draft where we only refer to “electricity vendor” and do not mention the unit sub-meter provider... should we be saying both in each case?]

(2) This section does not apply in respect of an invoice issued by an electricity vendor to a specified consumer for a month if the electricity distributed to the consumer by the electricity vendor for the month,

- (a) is electricity conveyed to a distribution system under a net metering agreement between the consumer, the distributor and any other person;
- (b) is electricity conveyed as part of a pilot or demonstration project authorized under subsection 88 (1.1) of the *Ontario Energy Board Act, 1998*; or

- (c) is electricity conveyed as part of a pilot or demonstration project authorized by the Board under subsection 6 (3) of Ontario Regulation 95/05 (Classes of Consumers and Determination of Rates) made under the *Ontario Energy Board Act, 1998*.

[OLC Note: Here is subs. 6 (3) of O. Reg. 95/05:

*(3) Despite paragraph 4 of subsection (1), the Board may set different off-peak periods for the purpose of such electricity price pilot projects as it specifies.*

So the Board can authorize “rates” for the purposes of “electricity price pilot projects” under this subsection. Should we be tracking that language in our provision? Or is there another provision under which “pilot or demonstration projects” are authorized by the Board?]

(3) The electricity vendor or unit sub-meter provider shall ensure that the invoice sets out, in a location where conservation or other utility messages to consumers are usually placed, the following statement: “Ontario’s Fair Hydro Plan saved you [*insert specified amount*] on your bill. This amount includes the 8% Provincial Rebate.”

(4) For the purposes of the statement mentioned in subsection (3), the specified amount to be inserted shall be determined in accordance with section 1.1 or 1.2, as the case may be.

#### **Specified amount, regulated rate consumer**

**1.1** For the purposes of subsection 1 (4), if the specified consumer is a regulated rate consumer, the specified amount shall be the amount determined in respect of the consumer by taking the following steps:

1. Determine the difference between the following amounts in respect of the portion of the invoice that relates to “Electricity”:
  - i. The amount determined by multiplying the rate that would have been effective on January 1, 2018 if it had been determined by the Board using the method prescribed by regulations under clause 79.16 (1) (b) of the *Ontario Energy Board Act, 1998* by the amount of electricity consumed by the specified consumer during the billing period.
  - ii. One of the following amounts, as applicable:

[OLC Note: I’m not sure if this will work... will any of the invoices be in respect of electricity to which both A and B below would apply? If that is the case, then we probably need a different approach.]

- A. If the electricity relates to the period beginning on January 1, 2018 and ending on April 30, 2018, the amount determined by multiplying the rate determined under subsection 3 (1) of Ontario Regulation 195/17 (Fair Adjustments Under Part II of the Act) made under the

Act by the amount of electricity consumed by the specified consumer during the billing period.

- B. If the electricity relates to the period beginning on May 1, 2018 and ending on April 30, 2019, the amount determined by multiplying the rate determined under subsection 5 (1) of Ontario Regulation 195/17 made under the Act by the amount of electricity consumed by the specified consumer during the billing period.

2. Determine the sum of the following amounts in respect of the portion of the invoice that relates to “Delivery”:
  - i. The amount determined as follows:
    - A. Multiply the amount calculated by the electricity vendor under subparagraph 1 i by the electricity vendor’s specific loss adjustment factor, if any, as determined by the Board.
    - B. Multiply the amount calculated by the electricity vendor under sub-subparagraph 1 ii A or B, as applicable, by the electricity vendor’s specific loss adjustment factor, if any, as determined by the Board.
    - C. Determine the result of subtracting the amount determined under sub-subparagraph A from the amount determined under sub-subparagraph B.
  - ii. The amount of any rate protection provided to the consumer under section 79.3 of the *Ontario Energy Board Act, 1998* and Ontario Regulation 198/17 (Distribution Rate-Protected Residential Consumers) made under that Act.
  - iii. The amount of any rate protection provided to the consumer under section 79.4 of the *Ontario Energy Board Act, 1998* and Ontario Regulation 197/17 (First Nations Delivery Credit (On-Reserve Consumers Under Section 79.4 of the Act)) made under that Act.
3. Determine the [positive] difference between the following amounts in respect of the portion of the invoice that relates to “Regulatory”:
  - i. The amount that the consumer would have been charged by the electricity vendor (in respect of Regulatory charges) using the rates and charges approved for the electricity vendor (as distributor) under subsection 78 (3) of the *Ontario Energy Board Act, 1998*, including the rates and charges related to any rural and remote rate protection compensation required under subsection 79 (4) of the *Ontario Energy Board Act, 1998* and any

compensation required under subsection 79.2 (10) of that Act, as set out in the Board's Order EB-2016-0362 made under that section dated December 15, 2016.

- ii. The amount that the consumer is to be charged by the electricity vendor (in respect of Regulatory charges) using the rates and charges approved for the electricity vendor (as distributor) under subsection 78(3) of the *Ontario Energy Board Act, 1998* as set out in the Board's Order EB-2017-0234 and EB-2017-0135, made under that section dated June 22, 2017.
4. Determine the amount of the financial assistance provided to the specified consumer pursuant to the *Ontario Rebate for Electricity Consumers Act, 2016*.
  5. Determine the difference between the following amounts in respect of the portion of the invoice that relates to the tax payable under Part IX of the *Excise Tax Act* (Canada):
    - i. The amount of harmonized sales tax that would have been payable by the consumer under Part IX of the *Excise Tax Act* (Canada) in respect of the amounts mentioned in paragraphs 1, 2 and 3 if each of those amounts is calculated without taking into account any forecasted impact of any provision of the Act.
    - ii. The amount of harmonized sales tax that is payable by the consumer under Part IX of the *Excise Tax Act* (Canada) by the consumer in respect of the amounts mentioned in paragraphs 1, 2 and 3.
  6. Determine the sum of the amounts determined under paragraphs 2.1, 3, 4 and 5.

### **Specified amount, other specified consumer**

**1.2** For the purposes of subsection 1 (4), if the specified consumer is not a regulated rate consumer, the specified amount shall be the amount determined in respect of the consumer by taking the following steps:

1. Determine one of the following amounts in respect of the portion of the invoice that relates to "Electricity", as applicable:
  - i. If the electricity relates to the period beginning on January 1, 2018 and ending on April 30, 2018, the amount determined by multiplying the dollar per megawatt hour amount determined under subsection 4 (1) of Ontario Regulation 195/17 (Fair Adjustments Under Part II of the Act) made under the Act by the amount of electricity consumed by the specified consumer during the billing period.

- ii. If the electricity relates to the period beginning on May 1, 2018, and ending on April 30, 2019, multiplying the dollar per megawatt hour amount determined under subsection 6 (1) of Ontario Regulation 195/17 made under the Act by the amount of electricity consumed by the specified consumer during the billing period.

[OLC Note: Again, just want to confirm that the above would always be one or the other and not a combination of both i and ii.]

- 2. Determine the sum of the following amounts in respect of the portion of the invoice that relates to “Delivery”:
  - i. The amount determined by multiplying the amount determined under paragraph 1 by the electricity vendor’s specific loss adjustment factor, if any, as determined by the Board.
  - ii. The amount of any rate protection provided to the consumer under section 79.3 of the *Ontario Energy Board Act, 1998* and Ontario Regulation 198/17 (Distribution Rate-Protected Residential Consumers) made under that Act.
  - iii. The amount of any rate protection provided to the consumer under section 79.4 of the *Ontario Energy Board Act, 1998* and Ontario Regulation 197/17 (First Nations Delivery Credit (On-Reserve Consumers Under Section 79.4 of the Act)) made under that Act.
- 3. Determine the amounts referred to in paragraphs 3, 4 and 5 of section 1.1 in respect of the consumer.
- 4. Determine the sum of the amounts determined under paragraphs 1 to 3.

#### **Commencement**

- x. This Regulation comes into force on the day it is filed.**