

**Caution:**

*This consultation draft is intended to facilitate dialogue concerning its contents. Should the decision be made to proceed with the proposal, the comments received during consultation will be considered during the final preparation of the regulation. The content, structure, form and wording of the consultation draft are subject to change as a result of the consultation process and as a result of review, editing and correction by the Office of Legislative Counsel.*

**CONSULTATION DRAFT**

**ONTARIO REGULATION**

to be made under the

**ELECTRICITY ACT, 1998**

**LIMITATION PERIODS**

**Interpretation**

**1.** In this Regulation,

“invoice” has the same meaning as in the market rules.

**Limitation periods, general**

**2.** (1) For the purposes of subsection 36.1.1 (1) of the Act, no market participant, consumer, entity or person shall be entitled to seek or receive any payment, adjustment or amount, or be required to make any payment or adjustment or to pay an amount, from or to the IESO if,

- (a) the invoice for the payment, adjustment or amount was issued by the IESO more than 24 months ago; and
- (b) the payment, adjustment or amount is based on an entitlement or a specified charge that arises under or was invoiced under any of the following provisions:
  - i. Section 25.33 of the *Electricity Act, 1998*.
  - ii. Every provision of Ontario Regulation 429/04 (Adjustments Under Section 25.33 of the Act), made under the *Electricity Act, 1998*.
  - iii. Sections 79, 79.1, 79.2, 79.3 and 79.4 of the *Ontario Energy Board Act, 1998*.
  - iv. Section 6 of Ontario Regulation 442/01 (Rural or Remote Electricity Rate Protection), made under the *Ontario Energy Board Act, 1998*.

- v. Every provision of Ontario Regulation 330/09 (Cost Recovery re Section 79.1 of the Act), made under the *Ontario Energy Board Act, 1998*.
- vi. Every provision of Ontario Regulation 14/18 (Ontario Electricity Support Program), made under the *Ontario Energy Board Act, 1998*.
- vii. Part II of the *Ontario Fair Hydro Plan Act, 2017*, as it read before November 1st, 2019.
- viii. Every provision of Ontario Regulation 195/17 (Fair Adjustment Under Part II of the Act), made under the *Ontario Fair Hydro Plan Act, 2017*, as it read before it was revoked.
- ix. Every provision of Ontario Regulation 197/17 (First Nations Delivery Credit (On-Reserve Consumers Under Section 79.4 of the Act)), made under the *Ontario Energy Board Act, 1998*.
- x. Every provision of Ontario Regulation 198/17 (Distribution Rate-Protected Residential Consumers), made under the *Ontario Energy Board Act, 1998*.
- xi. Every provision of the *Ontario Rebate for Electricity Consumers Act, 2016*.
- xii. Every provision of Ontario Regulation 363/16 (General), made under the *Ontario Rebate for Electricity Consumers Act, 2016*.

(2) Despite subsection (1), if a distributor, retailer or other person serving one or more consumers receives a claim within the two-year period described in clause (1) (a) from a consumer, or a retailer representing a consumer, with sufficient information to verify the consumer's entitlement to an adjustment, payment or amount that arises under or was invoiced under a provision listed in clause (1) (b),

- (a) the limitation period in subsection (1) does not apply to any claims made to the IESO by the distributor, retailer or other person serving one or more consumers for reimbursement of an amount the distributor, retailer or other person paid to the consumer in respect of their claim; and
- (b) instead, the limitation period for a claim described in clause (a) is six months after the earliest date when the distributor, retailer or other person could have submitted a claim for reimbursement.

### **Conflicts**

**3.** (1) The limitation period provided for in section 36.1.1 of the Act prevails over the provisions of any other Act or Regulation.

(2) Despite subsection (1), in the event of a conflict between the limitation period provided for in section 36.1.1 of the Act and a limitation period provided for in a provision of a statute or regulation referred to in clause 1 (1) (b), the limitation period that provides the longest time period for a claim to be made prevails.

## **Commencement**

### **4. [Commencement]**