



Direct Energy Regulated Services  
And  
Direct Energy Partnership

Compliance Plan to *Code of Conduct Regulation*

June 27, 2017

**Direct Energy Regulated Services and Direct Energy Partnership  
Code of Conduct Regulation Compliance Plan**

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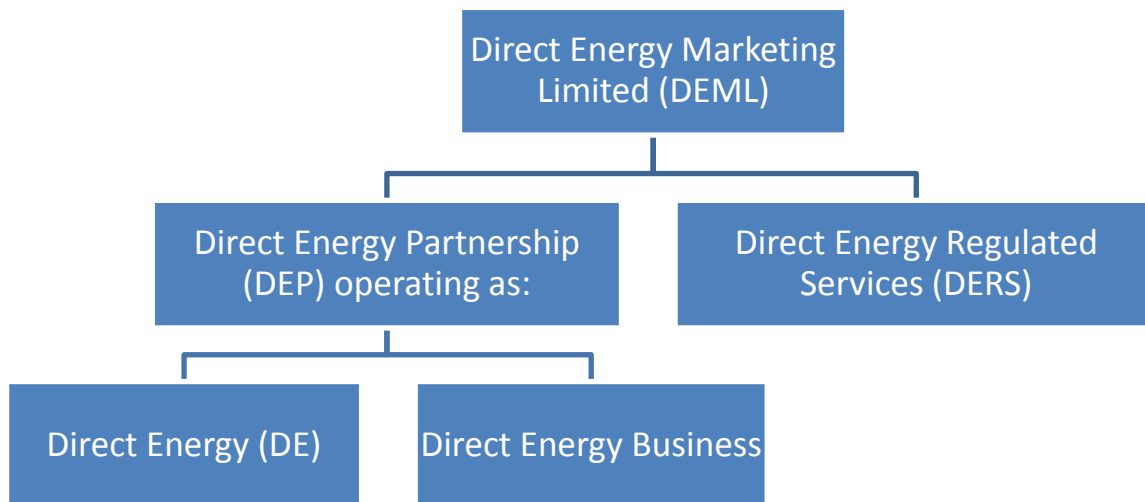
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# Direct Energy Regulated Services and Direct Energy Partnership Code of Conduct Regulation Compliance Plan

## Purpose

- a) Direct Energy Regulated Services (“DERS”), a business unit of Direct Energy Marketing Limited (“DEML”), is a regulated rate supplier by virtue of the approval by the Commission of the appointment of DERS by ATCO Gas & Pipelines Ltd. and ATCO Electric Ltd. (collectively referred to as “ATCO”), respectively, to perform certain functions as a regulated rate supplier. DERS is also a regulated rate supplier in any REA service territory in which the board of directors of the REA has so appointed DERS.

Direct Energy Partnership (“DEP”), is a partnership registered in Alberta, which provides Retail Energy Services to Alberta consumers. DEP operates through the ‘Direct Energy’ brand name. The partners of DEP are DEML and Direct Energy Holdings (Alberta) Inc., with DEML being the managing partner of DEP.



Agents and Contractors support DERS in the provision of Regulated Energy Services to customers, and support DEP in the provision of Retail Energy Services to customers. HCL Axon Technologies Inc. (“HCL”) provides customer care and billing services for both DERS and DEP, with measures in place to protect Customer Information, including separate customer contact phone numbers. Other agents or contractors are used by DERS and DEP in the provision of energy services to support door to door sales, telesales, credit and collections, and billing.

The purpose of this Compliance Plan is to establish the systems, policies, and mechanisms that DERS and DEP will use to ensure compliance with the Code of Conduct Regulation (the “Regulation”) by DERS and DEP officers, employees, agents and contractors. Contraventions of the Compliance Plan by individuals may result in

disciplinary action, up to and including termination of employment or contract with DERS or DEP.

This Compliance Plan describes certain obligations and responsibilities of specified DERS and DEP management personnel. Notwithstanding this, and without otherwise reducing or eliminating the obligation and responsibility of the specified DERS and DEP management personnel to ensure any specific requirements of this Compliance Plan are satisfied, it is understood that all or a portion of the tasks described in this Compliance Plan may be delegated by the specified DERS or DEP management personnel to other DERS or DEP personnel respectively.

DERS and DEP are affiliated providers of ATCO, however, there is no corporate affiliation between DEML and ATCO. Questions or comments concerning the Compliance Plan should be directed to the Direct Energy Marketing Limited (DEML) Compliance Officer (the Compliance Officer) at [canadawestcompliance@directenergy.com](mailto:canadawestcompliance@directenergy.com). The Compliance Plan is available at [www.directenergyregulatedservices.com](http://www.directenergyregulatedservices.com) and [www.directenergy.com](http://www.directenergy.com).

The numbering used in the Compliance Plan is consistent with the numbering used in the Code of Conduct Regulation, “the Regulation”.

## **Part 1 Interpretation**

### **1.0 Definitions**

Capitalized words and phrases used in the Compliance Plan shall have the meanings set out in the Regulation and the Compliance Plan. In the event of any inconsistency in the definitions between the Regulation and the Compliance Plan, the Regulation definitions will prevail.

- a) **Aggregated Customer Information** means information that is received or compiled by DERS to enable it to provide Regulated Services but is sufficiently aggregated by DERS so that the information is no longer uniquely associated with a DERS Customer and cannot be used to identify a DERS Customer.
- b) **Annual Compliance Report** contains:
  - any non-compliance with the Regulation or the Compliance Plan;
  - the action taken to remedy the non-compliance;
  - any complaints of non-compliance with the Regulation or the Compliance Plan, and how the complaints have been addressed.
- c) **Agent or Contractor** means a Person contracted by DEML to perform functions for, or undertake tasks on behalf of DERS, that are necessary for DERS to provide Regulated Energy Services and requires access to DERS Customer Information, or to perform functions for, or undertake tasks on behalf of DEP, that are necessary for DEP to provide Retail Energy Services and requires access to DEP Customer Information.
- d) **Agent or Contractor List** means the list of Agents or Contractors.
- e) **Agent or Contractor Staff** means the employees or sub-contractors of an Agent or Contractor who perform functions for, or undertake tasks on behalf of, DERS or DEP that are necessary for DERS to provide Regulated Energy Services, and for DEP to provide Retail Energy Services.
- f) **AUC** means the Alberta Utilities Commission.
- g) **AUC Rule 010** means AUC Rule 010: *Rules on Standards for Requesting and Exchanging Site-Specific Historic Usage Information for Retail Electricity and Natural Gas Markets Rules*.
- h) **AUC Rule 030** means AUC Rule 030: *Compliance with the Code of Conduct Regulation*.
- i) **Call Centre** means the facility that houses HCL, whose responsibilities are to interface with the public, with DERS Customers regarding the provision of Regulated Energy Services, or with DEP Customers regarding the provision of Retail Energy Services.
- j) **Commission** means the Alberta Utilities Commission.
- k) **Compliance Officer** means an officer of DEML who is responsible and accountable for DERS and DEP’s compliance with the Code of Conduct Regulation Compliance Plan as approved by the AUC, made under the authority of the Regulation.
- l) **Compliance Plan Committee** means a committee composed of DERS and DEP senior management personnel representing the following areas:
  - Corporate Affairs;

- Legal;
  - Compliance Officer;
  - Operations;
  - Sales;
  - Marketing;
  - Finance;
  - Human Resources; and
  - Information Services.
- m) **Compliance Plan Committee Report** means the report prepared by a member of the compliance team or their designee, containing the reports provided to members of the Compliance Plan Committee and the minutes of the quarterly meeting of the Compliance Plan Committee.
- n) **Compliance Report** contains:
- any non-compliance with the Regulation or the Compliance Plan;
  - the action taken to remedy the non-compliance; and
  - any complaints of non-compliance with the Regulation or the Compliance Plan, and how the complaints have been addressed.
- o) **DEML** means Direct Energy Marketing Limited.
- p) **DEP** means Direct Energy Partnership, the affiliated retailer of DERS which operates under the brand name of Direct Energy and Direct Energy Business and is a Retailer in Alberta.
- q) **DEP Customer Information Agent or Contractor Staff** means the employees or sub-contractors of a DEP Agent or Contractor who require access to DEP Customer Information in order to perform functions for or undertake tasks on behalf of DEP that are necessary for DEP to provide Retail Energy Services.
- r) **DEP Customer Information Agent or Contractor Staff List** means the list of DEP Customer Information Agent or Contractor Staff.
- s) **DEP Terms and Conditions** means the DEP terms and conditions for service. The DEP Terms and Conditions are available at [www.directenergy.com](http://www.directenergy.com).
- t) **DERS** means Direct Energy Regulated Services, a business unit of DEML, who is a Regulated Rate Supplier in the ATCO Gas and ATCO Electric service territories and a Regulated Rate Supplier in any REA service territory in which the board of directors of the REA has so appointed DERS.
- u) **DERS Agent or Contractor List** means the list of DERS Agents or Contractors.
- v) **DERS Customer Information Agent or Contractor Staff** means the employees or sub-contractors of a DERS Agent or Contractor who require access to DERS Customer Information in order to perform functions for or undertake tasks on behalf of DERS that are necessary for DERS to provide Regulated Energy Services.
- w) **DERS Customer Information Agent or Contractor Staff List** means the list of DERS Customer Information Agent or Contractor Staff.
- x) **DERS Customer Information Officers or Employees** means Officers or Employees who require access to DERS Customer Information to perform functions or undertake tasks that are necessary for DERS to provide Regulated Energy Services.
- y) **DERS Customer Information Officers or Employees List** means the list of DERS Customer Information Officers or Employees.

- z) **DERS Terms and Conditions** means the DERS terms and conditions for service. The DERS Terms and Conditions are available at [www.directenergyregulatedservices.com](http://www.directenergyregulatedservices.com).
- aa) **Distributor** has the meaning as defined in the Regulation.
- bb) **Electronic Customer Information Repository** means a password protected electronic repository that contains Customer Information for regulated customers, retail customers, or both.
- cc) **Electronic Customer Information Repository Inventory** means a document that includes the following information relating to each Electronic Customer Information Repository:
- Name;
  - Description;
  - Owner;
  - Customer Base Served;
  - Data Type;
  - Format;
  - Accessible By; and
  - Compliance Requirements.
- dd) **HCL** means HCL Axon Technologies Inc., the Contractor providing customer care and billing services for DERS and DEP.
- ee) **Officers or Employees** means the employees of DEML who, in their capacity as an employee of DEML, provide services to DERS or DEP.
- ff) **UCA** means the Utilities Consumer Advocate.

## 2.0 Affiliated electricity retailer and affiliated gas retailer defined

Retained for Numbering Consistency



## **Part 2**

### **Conduct and Business Practices**

#### **3.0 Conduct**

**Policy: DERS and DEP officers, employees, agents and contractors will conduct themselves and their activities so as to comply with and to ensure compliance with the Regulation and the Compliance Plan.**

#### **Mechanisms**

1. Officers, Employees, and Agent or Contractor Staff will be informed of the applicable requirements of the Regulation and the applicable requirements of the Compliance Plan by being required to: (a) read the Compliance Plan and, (b) complete an online training session, or an alternative version of the training designed to address the applicable sections of the Compliance Plan. Officers, Employees, and Agent or Contractor Staff will fulfill these requirements within one week after beginning employment and prior to providing services to DERS or DEP.
2. Officers, Employees, and Agent or Contractor Staff will be required to submit an electronic or written signature upon completion of online training which acknowledges that he/she has received and read a copy of the Compliance Plan and understands the obligations of DERS and/or DEP, and his/her personal obligations, under the Compliance Plan. If the Compliance Plan is amended, the amended provisions will be provided to Officers, Employees, and Agent or Contractor Staff to whom the amendment applies within 60 days of the date of the amendment coming into force. The amendments will be presented in a form chosen by the compliance team or their designee, and training completions will be tracked and kept on file for the length of time noted in Section 28 of this Compliance Plan.
3. The Compliance Plan and the Regulation will be posted on the DERS and DEP websites for viewing by the public.
4. Only DERS Officers, Employees, and Agent or Contractor Staff shall perform functions for or undertake tasks on behalf of DERS that are necessary for DERS to provide Regulated Services. A member of the compliance team or their designee shall designate DERS Officers and Employees, and senior management of a DERS Agent or Contractor shall designate DERS Agent or Contractor Staff.
5. DERS Customer Information Officers or Employees will access DERS Customer Information only when segregated from employees who are not authorized to access such information. DERS Customer Information Officers or Employees shall protect the confidentiality and security of DERS Customer Information, and shall not disclose DERS Customer Information to any person who does not appear on the DERS Customer Information Officers or Employees List or the DERS Customer Information Agent or Contractor Staff List.

6. Access to data files containing DERS information and DERS customer information are access controlled by Information Services. DERS Officers, Employees, and Agent or Contractor Staff seeking access to files, servers or systems containing DERS information or DERS Customer Information are required to go through a multi-step approval process to be granted access. This process includes obtaining approvals from the supervisor of the Officer, Employee, Agent or Contractor Staff; the owner of the applicable files, servers or systems; and a member of the compliance team or their designee. A record of access requests and access authorizations is kept on file for the length of time noted in Section 28 of this Compliance Plan.
7. Officers, Employees, and Agent or Contractor Staff will be informed of their obligation to immediately seek answers to all questions regarding the Compliance Plan and its impact on the specific role they perform from their immediate supervisor, a member of senior management, or a member of the compliance team or their designee.
8. Officers, Employees, and Agent or Contractor Staff who become aware of circumstances that they believe may constitute a contravention of the Compliance Plan or the Regulation shall report this information to their supervisor or to the compliance Team or their designee. If reported to a supervisor, the supervisor shall report this information to the compliance team or their designee.

## **Division 1 Customers**

### **4.0 Tying prohibited**

**Policy: DERS and DEP will not require or induce Customers to acquire goods or services from DEP or any other Retailer by making or appearing to make Regulated Energy Services conditional on the acquisition of those goods or services.**

#### **Mechanisms**

1. Consumer awareness and education materials, advertising, DERS and DEP Call Centre scripting and written communication directives, and other communications that will be distributed to the public or to DERS or DEP Customers, must be reviewed and approved in writing by a member of the compliance team or their designee for compliance with the Regulation prior to the information contained in these materials being made available to the public or to DERS or DEP Customers. All print advertising materials and the DEP and DERS websites are required to contain the following statement:

“All customers are free to purchase natural gas services from the default supply provider or from a retailer of their choice and to purchase electricity services from the regulated rate provider or from a retailer of their choice. The delivery of natural gas and electricity to you is not affected by your choice. If you change who you purchase natural gas services or electricity services from, you will continue receiving natural gas and electricity from the distribution company in your service area. For a current list of retailers you may choose from, visit [www.ucahelps.gov.ab.ca](http://www.ucahelps.gov.ab.ca) or call 310-4822 (toll free in Alberta).”

A record of written approvals and the associated materials shall be maintained by a member of the compliance team or their designee.

2. At least once per quarter, a member of the compliance team or their designee will test the information provided by the DERS Call Centre to DERS customers and the public, and the information provided by the DEP Call Centre to DEP customers and the public. Testing will consist of a minimum of ten (10) telephone inquiries to each of the DERS and DEP Call Centres with a view to determining if the information provided by DERS and DEP Customer Information Agent or Contractor Staff is consistent with scripting or written communication directives being utilized by the DERS and DEP Call Centres.

## **5.0 Transfer of customers**

**Policy: DERS will not, without the Customer’s consent, transfer the Customer to a Retailer or Retail Energy Services tariff.**

### **Mechanism**

1. DERS Officers, Employees, and Agent or Contractor Staff will not, without the Customer’s consent, transfer the Customer to a Retailer or Retail Energy Services tariff.

## **6.0 Prohibited representations**

**Policy: DERS and DEP will not represent or imply in any way in communications with Customers or the public, that present or future Customers of DEP will receive treatment from DERS, ATCO Gas or ATCO Electric that is different from the treatment received by present or future Customers of other Retailers.**

### **Mechanisms**

1. Consumer awareness and education materials, advertising, DERS and DEP Call Centre scripting and written communication directives, and other communications that will be distributed to the public or to DERS or DEP Customers, must be reviewed and approved in writing by a member of the compliance team or their designee for compliance with the Regulation prior to the information contained in these materials being made available to the public or to DERS or DEP Customers. All advertising materials and the DERS and DEP websites are required to contain the following statement:

“All customers are free to purchase natural gas services from the default supply provider or from a retailer of their choice and to purchase electricity services from the regulated rate provider or from a retailer of their choice. The delivery of natural gas and electricity to you is not affected by your choice. If you change who you purchase natural gas services or electricity services from, you will continue receiving natural gas and electricity from the distribution company in your service area. For a current list of retailers you may choose from, visit [www.ucahelps.gov.ab.ca](http://www.ucahelps.gov.ab.ca) or call 310-4822 (toll free in Alberta).”

A record of written approvals and the associated materials shall be maintained by a member of the compliance team or their designee. This mechanism is the same as the mechanism described in 4.1.

2. At least once per quarter, a member of the compliance team or their designee will test the information provided by the DERS Call Centre to DERS customers and the public, and the information provided by the DEP Call Centre to DEP customers and the public. Testing will consist of minimum of ten (10) telephone inquiries to each of the DERS and DEP Call Centres with a view to determining if the information provided by DERS and DEP Customer Information Agent or Contractor Staff is consistent with scripting or written communication directives being utilized by the DERS and DEP Call Centres. This mechanism is the same as the mechanism described in 4.3.

## **7.0 Advertising**

**Policy: DERS and DEP will advertise only in accordance with the regulation.**

### **Mechanisms**

1. Consumer awareness and education materials, advertising, DERS and DEP Call Centre scripting and written communication directives, and other communications that will be distributed to the public or to DERS or DEP Customers, must be reviewed and approved in writing by a member of the compliance team or their designee for compliance with the Regulation prior to the information contained in these materials being made available to the public or to DERS or DEP Customers. All advertising

materials, contracts, and the DERS and DEP websites are required to contain the following statement:

“All customers are free to purchase natural gas services from the default supply provider or from a retailer of their choice and to purchase electricity services from the regulated rate provider or from a retailer of their choice. The delivery of natural gas and electricity to you is not affected by your choice. If you change who you purchase natural gas services or electricity services from, you will continue receiving natural gas and electricity from the distribution company in your service area. For a current list of retailers you may choose from, visit [www.ucahelps.alberta.ca](http://www.ucahelps.alberta.ca) or call 310-4822 (toll free in Alberta).”

This statement will adhere to the following additional requirements in the case where materials are mailed or emailed to a customer or placed on the internet:

- Will be on the main page of the website, if applicable;
- Will be on the first page of the written advertising, if applicable;
- Will be in at least 12-point bold type, and
- Will be in a colour that contrasts with the background.

A record of written approvals and the associated materials shall be maintained by a member of the compliance team or their designee. This mechanism is the same as the mechanism described in 4.1.

2. At least once per quarter, a member of the compliance team or their designee will test the information provided by the DERS Call Centre to DERS customers and the public, and the information provided by the DEP Call Centre to DEP customers and the public. Testing will consist of a minimum of ten (10) telephone inquiries to each of the DERS and DEP Call Centres with a view to determining if the information provided by DERS and DEP Customer Information Agent or Contractor Staff is consistent with scripting or written communication directives being utilized by the DERS and DEP Call Centres. This mechanism is the same as the mechanism described in 4.3.

## **8.0 Meetings between distributors or regulated rate suppliers with retailers and customers**

**Policy: DERS will make reasonable efforts to be equally available to all Retailers for joint meetings with Retailers and Retailer's Customers to meet the requirements in accordance with the Regulation.**

### **Mechanism**

1. DERS Officers or Employees will make reasonable efforts to be available to all Retailers for joint meetings with Retailers and Retailer's Customers to meet the requirements in accordance with the Regulation. Meeting requests made by retailers will be acknowledged within 5 business days.

## **Division 2 Customer Information**

### **9.0 Confidentiality of customer information**

**Policy: DERS will protect the confidentiality of Customer Information and not disclose customer information except in accordance with the Regulation.**

#### **Mechanisms**

1. The compliance team or their designee will control access to DERS Customer Information through the following:
  - DERS Customer Information Officer or Employee List
  - DERS Agent or Contractor List
  - DERS Customer Information Agent or Contractor Staff List
  - DEP Customer Information Agent or Contractor Staff List

Lists will be maintained and changes will be approved in writing by a member of the compliance team or their designee. A record of these approvals will be maintained and made available to the Auditor.

2. Updated lists will be available to Officers and Employees on a shared drive. Updated lists will be provided to Agent or Contractor Staff through a member of the Operations team.
3. DERS Customer Information in the form of electronic data will be maintained and stored only in an Electronic Customer Information Repository accessible by individuals on the DERS Customer Information Officer and Employee List or the DERS Customer Information Agent or Contractor Staff List. DERS officers, employees, agents or contractors who have direct interaction with DERS Customers shall not access an Electronic Customer Information Repository containing DERS Customer Information at any time during which he/she is providing services to DEP.
4. On a quarterly basis, a member of Information Services will provide a member of the compliance team, or their designee, a list confirming the Officers, Employees, and Agent or Contractor Staff who have electronic access to any Electronic Customer Information Repository.

5. Information Services will update, if necessary, the Electronic Customer Information Repository Inventory for each Electronic Customer Information Repository maintained by DERS, on a quarterly basis, and provide the updated Electronic Customer Information Repository Inventories to a member of the compliance team or their designee.
6. Individuals on the DERS Customer Information Agent or Contractor Staff List shall protect the confidentiality and security of DERS Customer Information, and shall not disclose DERS Customer Information to any person who does not appear on the DERS Customer Information Officer or Employee List or the DERS Customer Information Agent or Contractor Staff List.
7. An officer of the DERS Agent or Contractor must approve, in writing, the appointment of any DERS Agent or Contractor Staff to the DERS Customer Information Agent or Contractor Staff List. A record of this written approval and a description of the responsibilities of each individual on the DERS Customer Information Agent or Contractor Staff List will be maintained by the DERS Agent or Contractor. The record of written approval will be maintained and made available, upon request, by the DERS Agent or Contractor to a member of the compliance team or their designee or the Auditor.
8. DERS Customer Information Agent or Contractor Staff who have direct interaction with DERS Customers shall not access an Electronic Customer Information Repository containing DERS Customer Information at any time during which he/she is providing services to DEP.
9. A member of the compliance team or their designee will at least semi-annually:
  - a) Review the DERS and DEP Customer Information Agent or Contractor Staff Lists maintained by the DERS and DEP Call Centre and the work group access rights assigned to each job description to confirm the description of responsibilities associated with each individual on the list reflect responsibilities that are necessary for the DERS or DEP Agent or Contractor to support DERS or DEP in the provision of Regulated or Retail Services;
  - b) Attend the offices of the DERS and DEP Call Centre and select at least 40 samples (20 DERS/20 DEP) of the written appointments approved in writing by an officer of the Call Centre as required by Mechanism 9.8, to confirm the description of responsibilities associated with each individual in the sample reflects responsibilities that are necessary for the Call Centre to support DERS or DEP in the provision of Regulated or Retail Services; and
  - c) Review the DERS and DEP Customer Information Agent or Contractor Staff Lists and assigned employee access rights to confirm the following:

- Agent or Contractor Staff who have not been granted access to DERS Customer Information do not enjoy electronic access to DERS Customer Information.
  - Agent or Contractor Staff who have not been granted access to DEP Customer Information do not enjoy electronic access to DEP Customer Information.
10. DEP Agent or Contractor Staff shall be entitled to share Call Centre premises with DERS Customer Information Agent or Contractor Staff provided that:
- a) No financial incentive or payment regime exists between DEML or DEP and the Call Centre under which the DEP Agent or Contractor Staff or the Call Centre receive any incremental compensation or payment of any sort whatsoever that is based on the decision by a Customer to enter into an energy supply contract with DEP;
  - b) DEP Agent or Contractor Staff shall not be eligible to be appointed by an officer of the Call Centre as DERS Customer Information Agent or Contractor Staff;
  - c) If any DEP Agent or Contractor Staff obtains physical or electronic documents containing DERS Customer Information, he/she shall not make use of the DERS Customer Information and shall report such occurrence to his/her supervisor in writing. The supervisor shall forward all such written reports to a designated officer of the Call Centre who shall take appropriate steps to avoid the recurrence of inappropriate access;
  - d) The Call Centre shall forward a copy of any written reports prepared in accordance with subsection (c), and a written description of the steps taken by the Call Centre to avoid the recurrence of such inappropriate access, to a member of the compliance team or their designee who shall maintain a record of such reports for review by the Auditor in accordance with Section 28.
11. Hiring managers who onboard new DERS Officers or Employees or DERS Customer Information Officers or Employees, transfer existing DEML employees to become DERS Officers or Employees or DERS Customer Information Officers or Employees, will inform a member of the compliance team or their designee about the employee in question prior to that employee supporting DERS. Hiring managers will also inform a member of the compliance team or their designee when DERS Officers or Employees or DERS Customer Information Officers or Employees leave or no longer support the DERS business. The compliance team or their designee shall approve these employees and shall update the DERS Customer Information Officers or Employees list.



12. Officers, Employees, and Agent or Contractor Staff who do not appear on the DERS Customer Information Officers and Employees List or the DERS Customer Information Agent or Contractor Staff List who obtains or receive DERS Customer Information shall not use this information; they shall immediately report the occurrence to a member of the compliance team or their designee, or to their supervisor. If the occurrence is reported to a supervisor, that supervisor shall ensure the occurrence is communicated to a member of the compliance team or their designee.
13. The procedure documented in Mechanism 9.12 shall be followed if any Officer, Employee, or Agent or Contractor Staff becomes aware of any person who is not on the DERS Customer Information Officer or Employee List or the DERS Customer Information Agent or Contractor Staff List who seeks to obtain, obtains, receives or uses DERS Customer Information.
14. Instances reported to the compliance team or their designee will be recorded as contraventions in a Compliance Plan Contravention Report.

## **10.0 Disclosure of customer information**

**Policy: DERS will only disclose Customer Information in accordance with the Regulation.**

### **Mechanisms**

1. DERS will only accept an electronic or written consent from a Customer to release his or her Customer Information. The consent will have no effect unless:
  - a) the customer information that is authorized to be disclosed is itemized in the consent,
  - b) the consent sets out the period of time that the consent is in effect, and
  - c) in the case of a disclosure of customer information to a retailer, the consent indicates
    - i. the retailer or retailers to which the customer information may be disclosed, or
    - ii. that the customer information may be disclosed to any or all retailers.
2. A member of the compliance team or their designee will ensure a paper or electronic copy of each written consent form is retained by DERS for a period of six years from the date on the consent form.

3. Customer Information shall only be disclosed without the customer's consent where authorized under the *Personal Information Protection Act*, or in situations described under Section 10(3) of the Regulation.

## **11.0 Conditions on disclosure of customer information**

**Policy: DERS will only disclose Customer Information to a Retailer or Retailers in accordance with the Regulation.**

### **Mechanism**

1. DERS Officers, Employees, and Agent or Contractor Staff will disclose Customer Information to the retailer within 7 days after receiving the request or consent, whichever is later. If the customer consents to the disclosure of Customer Information to 2 or more retailers, DERS shall disclose the Customer Information to those retailers at the same time and in the same form and manner.

## **12.0 Historical electricity or gas usage**

**Policy: DERS will only provide a retailer with historical usage information in accordance with the Regulation and AUC Rule 010.**

### **Mechanism**

1. DERS Officers, Employees, and Agent or Contractor Staff will disclose a customer's historical electricity or natural gas usage information to a retailer within 3 business days after receiving the request.

## **13.0 Aggregated customer information**

**Policy: DERS will only provide a Retailer with aggregated Customer Information in accordance with the Regulation.**

### **Mechanism**

1. At least 24 hours before Aggregated Customer Information is made available by DERS to a Retailer, DERS will place a notice on the DERS website containing a clear description of the Aggregated Customer Information, the DERS charge for providing the Aggregated Customer Information, the terms of payment required, and the time frame within which the Aggregated Customer Information will be provided following receipt of payment. DERS shall maintain such notice on its website for a minimum of 30 days.

### **Division 3**

## **Business Practices of Distributors and Regulated Rate Suppliers**

#### **14.0 Equal treatment of retailers**

**Policy:** DERS Terms and Conditions will not give preferential treatment to its Affiliated Retailer or to Customers of its Affiliated Retailer, discriminate against any Retailer or against Customers of any Retailer, and any changes to DERS Regulated Energy Services or the Terms and Conditions that apply to those services, will be communicated to all Retailers at the same time and in the same manner to meet the requirements in accordance with the Regulation.

#### **Mechanisms**

1. The DERS Terms and Conditions must be approved by the Commission and will be posted on the DERS website.
2. DERS Officers, Employees, and Agent or Contractor Staff will acknowledge in the Compliance Acknowledgement that they will not give preferential treatment to affiliates of DERS or customers of affiliates and will not discriminate against any Retailer or against the customers of any Retailer.
3. If DERS contemplates changes to its Regulated Energy Services or Terms and Conditions and determines, in its discretion, to receive input from stakeholders, the disclosure of intended changes will be made on the DERS website so all Retailers receive notice at the same time. DERS will receive input from Retailers in a consistent manner using the same channel of communication.

#### **15.0 Prohibitions**

**Policy:** DERS will abide by the prohibitions contained in the Regulation.

#### **Mechanisms**

1. Consumer awareness and education materials, advertising, DERS and DEP Call Centre scripting and written communication directives, and other communications that will be distributed to the public or to DERS or DEP Customers, must be reviewed and approved in writing by a member of the compliance team or their designee for compliance with the Regulation prior to the information contained in these materials being made available to the public or to DERS or DEP Customers. All advertising materials and the DERS and DEP websites are required to contain the following statement:

“All customers are free to purchase natural gas services from the default supply provider or from a retailer of their choice and to purchase electricity services from the regulated rate provider or from a retailer of their choice. The delivery of natural gas and electricity to you is not affected by your choice. If you change who you purchase natural gas services or electricity services from, you will continue receiving natural gas and electricity from the distribution company in your service area. For a current list of retailers you may choose from, visit [www.ucahelps.gov.ab.ca](http://www.ucahelps.gov.ab.ca) or call 310-4822 (toll free in Alberta).”

A record of written approvals and the associated materials shall be maintained by a member of the compliance team or their designee. This mechanism is the same as the mechanism described in 4.1.

2. At least once per quarter, a member of the compliance team or their designee will test the information provided by the DERS Call Centre to DERS customers and the public, and the information provided by the DEP Call Centre to DEP customers and the public. Testing will consist of minimum of ten (10) telephone inquiries to each of the DERS and DEP Call Centres with a view to determining if the information provided by DERS and DEP Customer Information Agent or Contractor Staff is consistent with scripting or written communication directives being utilized by the DERS and DEP Call Centres. This mechanism is the same as the mechanism described in 4.3.
3. Any link between the DERS website and any other website will be approved in writing by a member of the compliance team or their designee before the link is established. A record of such approval shall be maintained by a member of the compliance team or their designee.

## **16.0 Information about retail energy services**

**Policy:** When DERS receives a request for information about Retail Energy Services it will refer customers to a source where they may obtain a current list of Retailers that are licensed under the *Fair Trading Act* to engage in the marketing of electricity or the marketing of gas.

### **Mechanism**

1. DERS Officers, Employees, and Agent or Contractor Staff shall refer customers inquiring about Retail Energy Services to the [www.ucahelps.alberta.ca](http://www.ucahelps.alberta.ca) website where they may obtain a current list of retailers that are licensed under the Fair Trading Act to engage in the marketing of electricity business or the marketing of gas business.

**Part 3**  
**Relationships Among Distributors, Regulated Rate Suppliers and Affiliated Providers**

**Division 1**  
**Preventing Unfair Competitive Advantage**

**17.0 Arrangements creating unfair competitive advantage prohibited**

**Policy: DERS and DEP will not make any arrangements that create an unfair competitive advantage for the affiliated provider.**

**Mechanism**

1. Any arrangement between DERS and DEP, with the exception of an arrangement otherwise approved by the Commission, shall specify the percentage allocation of costs between DERS and DEP, include a description of the justification for the allocation, and will require approval from a member of senior management from External Affairs, Finance, or Commercial. A record of approval will be maintained for a period of no less than six years from the date the written approval is granted.
2. In the event an arrangement of the type described in Section 17(6) of the Code of Conduct Regulation is not explicitly exempted as not creating an unfair competitive advantage by sections 18, 20 and 21 or Section 23 of the Regulation, DEML will promptly notify the Commission, in writing, of the existing arrangement and will request an opinion of the Commission as to whether the existing arrangement creates an unfair competitive advantage. In the event that the Commission determines that an existing arrangement does create a prohibited unfair competitive advantage, DEML will modify or terminate the arrangement in accordance with the directions of the Commission.
3. In the event an arrangement of the type described in Section 17(6) of the Regulation is not explicitly exempted as not creating an unfair competitive advantage by sections 18, 20 and 21 or Section 23 of the Regulation, DEML will notify the Commission, in writing, of the proposed arrangement before such arrangement takes effect and will request an opinion of the Commission as to whether the proposed arrangement would create an unfair competitive advantage.

**18.0 Information Sharing**

**Policy: DERS will ensure that its Customer Information is not disclosed or made available to any Retailer for the purposes of marketing or sales of Energy Services, except in accordance with the Regulation.**

### **Mechanisms**

1. Officers, Employees, and Agent or Contractor Staff will be informed of the applicable requirements of the Regulation and the applicable requirements of the Compliance Plan by being required to: (a) read the Compliance Plan and, (b) complete an online training session, or an alternative version of the training designed to address the applicable sections of the Compliance Plan. Officers, Employees, and Agent or Contractor Staff will fulfill these requirements within one week after beginning employment and prior to providing services to DERS or DEP. This mechanism is the same as the mechanism described in 3.1.
2. Officers, Employees, and Agent or Contractor Staff will be required to submit an electronic or written signature upon completion of online training which acknowledges that he/she has received and read a copy of the Compliance Plan and understands the obligations of DERS and/or DEP, and his/her personal obligations, under the Compliance Plan. If the Compliance Plan is amended, the amended provisions will be provided to Officers, Employees, and Agent or Contractor Staff to whom the amendment applies within 60 days of the date of the amendment coming into force. The amendments will be presented in a form chosen by the compliance team or their designee, and training completions will be tracked and kept on file for the length of time noted in Section 28 of this Compliance Plan. This mechanism is the same as the mechanism described in 3.2.
3. The Compliance Plan and the Regulation will be posted on the DERS and DEP websites for viewing by the public. This mechanism is the same as the mechanism described in 3.3.
4. DERS Customer Information Officers or Employees will access DERS Customer Information only when segregated from employees who are not authorized to access such information. DERS Customer Information Officers or Employees shall protect the confidentiality and security of DERS Customer Information, and shall not disclose DERS Customer Information to any person who does not appear on the DERS Customer Information Officers or Employees List or the DERS Customer Information Agent or Contractor Staff List. This mechanism is the same as the mechanism described in 3.5.
5. Access to data files containing DERS information and DERS customer information are access controlled by Information Services. DERS Officers, Employees, and Agent or Contractor Staff seeking access to files, servers or systems containing DERS information or DERS Customer Information are required to go through a multi-step approval process to be granted access. This process includes obtaining approvals from the supervisor of the Officer, Employee, Agent or Contractor Staff;

the owner of the applicable files, servers or systems; and a member of the compliance team or their designee. A record of access requests and access authorizations is kept on file for the length of time noted in Section 28 of this Compliance Plan. This mechanism is the same as the mechanism described in 3.6.

6. The compliance team or their designee will control access to DERS Customer Information through the following:
  - DERS Customer Information Officer or Employee List
  - DERS Agent or Contractor List
  - DERS Customer Information Agent or Contractor Staff List
  - DEP Customer Information Agent or Contractor Staff List

Lists will be maintained and changes will be approved in writing by a member of the compliance team or their designee. A record of these approvals will be maintained and made available to the Auditor. This mechanism is the same as the mechanism described in 9.1.

7. Updated lists will be available to Officers and Employees on a shared drive. Updated lists will be provided to Agent or Contractor Staff through a member of the Operations team. This mechanism is the same as the mechanism described in 9.2.
8. DERS Customer Information in the form of electronic data will be maintained and stored only in an Electronic Customer Information Repository accessible by individuals on the DERS Customer Information Officer and Employee List or the DERS Customer Information Agent or Contractor Staff List. DERS officers, employees, agents or contractors who have direct interaction with DERS Customers shall not access an Electronic Customer Information Repository containing DERS Customer Information at any time during which he/she is providing services to DEP. This mechanism is the same as the mechanism described in 9.3.
9. Individuals on the DERS Customer Information Agent or Contractor Staff List shall protect the confidentiality and security of DERS Customer Information, and shall not disclose DERS Customer Information to any person who does not appear on the DERS Customer Information Officer or Employee List or the DERS Customer Information Agent or Contractor Staff List. This mechanism is the same as the mechanism described in 9.6.
10. DERS Customer Information Agent or Contractor Staff who have direct interaction with DERS Customers shall not access an Electronic Customer Information Repository containing DERS Customer Information at any time during which he/she is providing services to DEP. This mechanism is the same as the mechanism described in 9.8.
11. A member of the compliance team or their designee will at least semi-annually:

- a) Review the DERS and DEP Customer Information Agent or Contractor Staff Lists maintained by the DERS and DEP Call Centre and the work group access rights assigned to each job description to confirm the description of responsibilities associated with each individual on the list reflect responsibilities that are necessary for the DERS or DEP Agent or Contractor to support DERS or DEP in the provision of Regulated or Retail Services;
- b) Attend the offices of the DERS and DEP Call Centre and select at least 40 samples (20 DERS/20 DEP) of the written appointments approved in writing by an officer of the Call Centre as required by Mechanism 9.8, to confirm the description of responsibilities associated with each individual in the sample reflects responsibilities that are necessary for the Call Centre to support DERS or DEP in the provision of Regulated or Retail Services; and
- c) Review the DERS and DEP Customer Information Agent or Contractor Staff Lists and assigned employee access rights to confirm the following:
  - Agent or Contractor Staff who have not been granted access to DERS Customer Information do not enjoy electronic access to DERS Customer Information.
  - Agent or Contractor Staff who have not been granted access to DEP Customer Information do not enjoy electronic access to DEP Customer Information.

This mechanism is the same as the mechanism described in 9.9.

## **19.0 Retailer seeking customer information**

**Policy: DEP will not seek or receive Customer Information from a current or former officer, employee, agents or contractor of DERS for sales or marketing purposes.**

### **Mechanisms**

1. DEP Officers, Employees, and Agent or Contractor Staff shall not seek or obtain DERS Customer Information from any current or former officer, employee, agent or contractor of DERS.
2. Upon termination of their employment with DEML (voluntary or otherwise) DERS Customer Information Officers or Employees shall be informed of their obligation to continue to protect the confidentiality of Customer Information.



3. The procedure documented in Mechanism 9.12 shall be followed if any Officer, Employee, or Agent or Contractor Staff becomes aware of any person who is not on the DERS Customer Information Officer or Employee List or the DERS Customer Information Agent or Contractor Staff List who seeks to obtain, obtains, receives or uses DERS Customer Information. This mechanism is the same as the mechanism described in 9.13.
4. Instances reported to the compliance team or their designee will be recorded as contraventions in a Compliance Plan Contravention Report. This mechanism is the same as the mechanism described in 9.14.

## **20.0 Acquisitions, research and dispositions**

**Policy:** To prevent the creation of an unfair competitive advantage, DERS and DEP will allocate and record the economic benefits or costs attributable to each party for joint acquisitions, shared costs or expenses associated with research and development, or selling, leasing or disposing of jointly acquired property.

### **Mechanism**

1. Senior management of DEML shall account for all joint acquisitions, research, and dispositions in accordance with this policy and shall be responsible for recording, at the time of the transaction, an entry in the records and accounts of DERS and DEP of any joint purchases or acquisitions, the rationale for such joint purchase or acquisition, and the basis for the allocation of the economic benefits or costs between DERS and DEP. All joint acquisitions by DERS and DEP shall be reported at the first Compliance Plan Committee meeting following the joint acquisition. These records and accounts will be made available by DERS to the Auditor.

## **21.0 Goods and services transactions to be at fair market value**

**Policy:** All transactions involving the sale, lease, exchange, transfer or other disposition of goods or services between DERS and DEP will be recorded and priced at Fair Market Value to prevent the creation of an unfair competitive advantage. If the value of the transaction for goods or services is regulated by a municipal, provincial or federal government or government agency, the regulated value will be considered the Fair Market Value.

### **Mechanism**

1. Senior management of DEML shall approve the valuation of goods or services provided or disposed of at Fair Market Value in accordance with this policy and shall be responsible for recording at the time of the transaction in the records and accounts of DERS and DEP all goods or services provided or disposed of and the rationale supporting the valuation. All transactions between DERS and DEP shall be reported at the first Compliance Plan Committee meeting following the transaction. These records and accounts will be made available to the Auditor.

## **22.0 Financial transactions**

**Policy: DERS will not provide a loan, guarantee, security or other financial transaction on terms more favorable than could be obtained in the open market to prevent the creation of an unfair competitive advantage.**

### **Mechanism**

1. Senior management of DEML will ensure that the operations of DEP are not supported in any form through financial transactions provided by DERS to DEP. DEML may support the operations of DEP, but this support shall not be through the DERS business unit and therefore shall not be reflected in the records and accounts of DERS.

## **23.0 Entities carrying on more than one business**

**Policy: DERS and DEP will not make any internal arrangements that use information it obtains from one business that would create an unfair competitive advantage for another business. DERS and DEP will not incur or allocate economic costs or benefits that create an unfair competitive advantage.**

### **Mechanisms**

1. Officers, Employees, and Agent or Contractor Staff will be informed of the applicable requirements of the Regulation and the applicable requirements of the Compliance Plan by being required to: (a) read the Compliance Plan and, (b) complete an online training session, or an alternative version of the training designed to address the applicable sections of the Compliance Plan. Officers, Employees, and Agent or Contractor Staff will fulfill these requirements within one week after beginning employment and prior to providing services to DERS or DEP. This mechanism is the same as the mechanism described in 3.1.

2. Officers, Employees, and Agent or Contractor Staff will be required to submit an electronic or written signature upon completion of online training which acknowledges that he/she has received and read a copy of the Compliance Plan and understands the obligations of DERS and/or DEP, and his/her personal obligations, under the Compliance Plan. If the Compliance Plan is amended, the amended provisions will be provided to Officers, Employees, and Agent or Contractor Staff to whom the amendment applies within 60 days of the date of the amendment coming into force. The amendments will be presented in a form chosen by the compliance team or their designee, and training completions will be tracked and kept on file for the length of time noted in Section 28 of this Compliance Plan. This mechanism is the same as the mechanism described in 3.2.
3. The Compliance Plan and the Regulation will be posted on the DERS and DEP websites for viewing by the public. This mechanism is the same as the mechanism described in 3.3.
4. DERS Customer Information Officers or Employees will access DERS Customer Information only when segregated from employees who are not authorized to access such information. DERS Customer Information Officers or Employees shall protect the confidentiality and security of DERS Customer Information, and shall not disclose DERS Customer Information to any person who does not appear on the DERS Customer Information Officers or Employees List or the DERS Customer Information Agent or Contractor Staff List. This mechanism is the same as the mechanism described in 3.5.
5. Access to data files containing DERS information and DERS customer information are access controlled by Information Services. DERS Officers, Employees, and Agent or Contractor Staff seeking access to files, servers or systems containing DERS information or DERS Customer Information are required to go through a multi-step approval process to be granted access. This process includes obtaining approvals from the supervisor of the Officer, Employee, Agent or Contractor Staff; the owner of the applicable files, servers or systems; and a member of the compliance team or their designee. A record of access requests and access authorizations is kept on file for the length of time noted in Section 28 of this Compliance Plan. This mechanism is the same as the mechanism described in 3.6.
6. The compliance team or their designee will control access to DERS Customer Information through the following:
  - DERS Customer Information Officer or Employee List
  - DERS Agent or Contractor List
  - DERS Customer Information Agent or Contractor Staff List
  - DEP Customer Information Agent or Contractor Staff List

Lists will be maintained and changes will be approved in writing by a member of the compliance team or their designee. A record of these approvals will be

maintained and made available to the Auditor. This mechanism is the same as the mechanism described in 9.1.

7. Updated lists will be available to Officers and Employees on a shared drive. Updated lists will be provided to Agent or Contractor Staff through a member of the Operations team. This mechanism is the same as the mechanism described in 9.2.
8. DERS Customer Information in the form of electronic data will be maintained and stored only in an Electronic Customer Information Repository accessible by individuals on the DERS Customer Information Officer and Employee List or the DERS Customer Information Agent or Contractor Staff List. DERS officers, employees, agents or contractors who have direct interaction with DERS Customers shall not access an Electronic Customer Information Repository containing DERS Customer Information at any time during which he/she is providing services to DEP. This mechanism is the same as the mechanism described in 9.3.
9. Individuals on the DERS Customer Information Agent or Contractor Staff List shall protect the confidentiality and security of DERS Customer Information, and shall not disclose DERS Customer Information to any person who does not appear on the DERS Customer Information Officer or Employee List or the DERS Customer Information Agent or Contractor Staff List. This mechanism is the same as the mechanism described in 9.6.
10. DERS Customer Information Agent or Contractor Staff who have direct interaction with DERS Customers shall not access an Electronic Customer Information Repository containing DERS Customer Information at any time during which he/she is providing services to DEP. This mechanism is the same as the mechanism described in 9.8.
11. The procedure documented in Mechanism 9.12 shall be followed if any Officer, Employee, or Agent or Contractor Staff becomes aware of any person who is not on the DERS Customer Information Officer or Employee List or the DERS Customer Information Agent or Contractor Staff List who seeks to obtain, obtains, receives or uses DERS Customer Information. This mechanism is the same as the mechanism described in 9.13.
12. Instances reported to the compliance team or their designee will be recorded as contraventions in a Compliance Plan Contravention Report. This mechanism is the same as the mechanism described in 9.14.
13. A member of the compliance team or their designee will at least semi-annually:
  - a) Review the DERS and DEP Customer Information Agent or Contractor Staff Lists maintained by the DERS and DEP Call Centre and the work group access rights assigned to each job description to confirm the description of responsibilities associated with each individual on the list reflect

responsibilities that are necessary for the DERS or DEP Agent or Contractor to support DERS or DEP in the provision of Regulated or Retail Services;

- b) Attend the offices of the DERS and DEP Call Centre and select at least 40 samples (20 DERS/20 DEP) of the written appointments approved in writing by an officer of the Call Centre as required by Mechanism 9.8, to confirm the description of responsibilities associated with each individual in the sample reflects responsibilities that are necessary for the Call Centre to support DERS or DEP in the provision of Regulated or Retail Services; and
- c) Review the DERS and DEP Customer Information Agent or Contractor Staff Lists and assigned employee access rights to confirm the following:
  - Agent or Contractor Staff who have not been granted access to DERS Customer Information do not enjoy electronic access to DERS Customer Information.
  - Agent or Contractor Staff who have not been granted access to DEP Customer Information do not enjoy electronic access to DEP Customer Information.

This mechanism is the same as the mechanism described in 9.9.

- 14. Any cost-sharing arrangement between DERS and DEP, with the exception of an arrangement otherwise approved by the Commission, shall specify the percentage allocation of costs between DERS and DEP, include a description of the justification for the allocation, and will require approval from a member of senior management from External Affairs, Finance, or Commercial. A record of approval will be maintained for a period of no less than six years from the date the written approval is granted. This mechanism is the same as the mechanism described in 17.1.
- 15. DEP Officers, Employees, and Agent or Contractor Staff shall not seek or obtain DERS Customer Information from any current or former officer, employee, agent or contractor of DERS. This mechanism is the same as the mechanism described in 19.1.
- 16. Upon termination of their employment with DEML (voluntary or otherwise) DERS Customer Information Officers or Employees shall be informed of their obligation to continue to protect the confidentiality of Customer Information. This mechanism is the same as the mechanism described in 19.2.
- 17. Senior management of DEML shall account for all joint acquisitions, research, and dispositions in accordance with this policy and shall be responsible for recording, at the time of the transaction, an entry in the records and accounts of DERS and DEP of any joint purchases or acquisitions, the rationale for such joint purchase or acquisition, and the basis for the allocation of the economic benefits or costs between DERS and DEP. All joint acquisitions by DERS and DEP shall be reported at the

first Compliance Plan Committee meeting following the joint acquisition. These records and accounts will be made available by DERS to the Auditor. This mechanism is the same as the mechanism described in 20.1.

18. Senior management of DEML shall approve the valuation of goods or services provided or disposed of at Fair Market Value in accordance with this policy and shall be responsible for recording at the time of the transaction in the records and accounts of DERS and DEP all goods or services provided or disposed of and the rationale supporting the valuation. All transactions between DERS and DEP shall be reported at the first Compliance Plan Committee meeting following the transaction. These records and accounts will be made available to the Auditor. This mechanism is the same as the mechanism described in 21.1.
19. Senior management of DEML will ensure that the operations of DEP are not supported in any form through financial transactions provided by DERS to DEP. DEML may support the operations of DEP, but this support shall not be through the DERS business unit and therefore shall not be reflected in the records and accounts of DERS. This mechanism is the same as the mechanism described in 22.1.

#### **24.0 Access to publicly available information**

**Policy: DERS will not restrict access to information available to the public in accordance with the Regulation.**

##### **Mechanism**

1. Before information is made available by DERS to the public, DERS will place a notice on the DERS website containing a clear description of the information and the cost of obtaining the information, the terms of payment required, and the time frame the information will be provided within following receipt of payment. DERS shall keep the notice on its website for at least 30 days.

## **Division 2 Records and Accounts**

#### **25.0 Records and accounts**

**Policy: DERS and DEP will keep accounts in accordance with generally accepted accounting principles, any uniform system of records required by the Commission, sufficient detail to enable an audit to be conducted and will retain separate records and accounts from DERS and DEP in accordance with the Regulation.**

##### **Mechanism**

1. Senior management of DEML will ensure the accounts and records of DERS and DEP are kept separate from each other and
  - a) Sufficient records and accounts are maintained to enable an audit to be conducted under Part 4 of the Regulation:
  - b) That the accounts comply with any guidelines or uniform system of record keeping required by the Commission and generally accepted accounting principles.

## **26.0 Written financial transactions**

**Policy: Every financial transaction between DERS and DEP will be documented in writing to prevent the creation of any unfair competitive advantage.**

### **Mechanism**

1. Senior management of DEML will ensure that all financial transactions recorded in the accounts and records of DERS and DEP are supported by written documentation describing and confirming the transaction. All financial transactions between DERS and DEP shall be reported at the first Compliance Plan Committee meeting following the transaction. The written documentation of financial transactions between DERS and DEP will be made available to the Auditor.

## **27.0 Records of transactions for goods and services**

**Policy: All transactions for goods and services between DERS and DEP will be recorded in accordance with the Regulation.**

### **Mechanism**

1. Senior management of DEML will maintain a written record of all goods and services between DERS and DEP which will include the value of the transaction expressed in terms of money. If the total cost of all transactions between DERS and DEP exceeds \$500,000 annually, or an amount determined by the Commission, the Vice-President, Finance, DEML will document each of the transactions by one or more written agreements and will obtain written evidence of Fair Market Value from an independent third party that has no financial interest in DERS or DEP. The Vice-President, Finance, DEML will provide this evidence to the Compliance Plan Committee for its review and approval, unless the transaction has been otherwise approved by the Commission, prior to the transaction being completed. These records will be made available to the Auditor.

## **28.0 Maintaining records**

**Policy: DERS and DEP will retain records, accounts, records of financial transactions, reports and plans for at least six years.**

### **Mechanism**

1. Senior management of DEML will jointly be responsible for making the necessary arrangements to maintain and store all records that must be maintained by DERS for at least six (6) years.

## **Part 4 Compliance Requirements**

### **Division 1 Compliance Plans and Compliance Reports**

## **29.0 Prohibition against providing Retail Energy Services without approved compliance plan**

**Policy: Before DERS and DEP begins to provide Retail Energy Services to Customers, DERS and DEP will prepare, file, and receive approval of a Compliance Plan by the Commission, and provide copies of the approved plan in accordance with the regulation.**

## **30.0 Compliance plan required**

**Policy: DERS and DEP will prepare, file, and receive approval of a Compliance Plan by the Commission in accordance with the regulation.**

### **Mechanisms**

1. The DERS and DEP websites will provide information to the public describing how to report an alleged contravention of the Regulation. Reports from the public of matters that may constitute a contravention will be addressed by the compliance team or their designee, who will investigate these matters to determine if any contravention occurred. Circumstances of the alleged contravention will be documented in the Compliance Plan Contravention Investigation Report. The compliance team or their designee will endeavour to resolve any complaint of alleged violation of the



Regulation or the Compliance Plan with the member of the public that lodged the complaint within 20 days of receiving the complaint.

2. If it is established that a contravention of the Regulation or the Compliance Plan has occurred, a member of the compliance team or their designee will prepare a Compliance Plan Contravention Report.
3. Adherence to the Compliance Plan will be overseen and monitored by the Compliance Plan Committee by way of a quarterly meeting to:
  - a) Receive and review the updated DERS Customer Information Officers and Employees List and any updated Electronic Customer Information Repository Inventory;
  - b) Receive and review any reports of any current DEML employee whose name is not on the DERS Customer Information Officers and Employees List who has sought or received Customer Information from any present or former officer, employee, agent, or contractor of DERS and provide any appropriate directions;
  - c) Receive and review all Compliance Plan Contravention Investigation Reports prepared since the last quarterly meeting by the compliance team or their designee and provide any appropriate directions;
  - d) Receive and review all Compliance Plan Contravention Reports prepared since the last quarterly meeting by the compliance team or their designee and provide any appropriate directions;
  - e) Receive and review a copy of all DERS and DEP consumer awareness and education materials and other communications approved, since the last quarterly meeting of the Compliance Plan Committee, for distribution to the public pursuant to the Compliance Plan and provide any appropriate directions;
  - f) Receive and review a copy of all Call Centre scripting approved since the last quarterly meeting of the Compliance Plan Committee, pursuant to the Compliance Plan, and the written report of the compliance team, or their designee, regarding testing undertaken to confirm the Call Centre provides responses that are consistent with the scripting. Provide any appropriate direction;
  - g) Receive and review a copy of the DERS Agent or Contractor List maintained by the compliance team or their designee and provide any appropriate directions;

- h) Receive and review the written report of the compliance team or their designee describing the outcome of the semi-annual review of the DERS and DEP Customer Information Agent or Contractor Staff List, and the sample of written authorizations to include employees on the DERS and DEP Customer Information Agent or Contractor Staff List granted by officers of HCL. Provide any appropriate directions;
  - i) Receive and review any reports from Finance regarding joint acquisitions by DERS and DEP made since the last quarterly meeting;
  - j) Receive and review any reports from Finance involving the sale, lease, exchange, transfer, or other disposition of goods or services between DERS and DEP made since the last quarterly meeting;
  - k) Receive and review any reports from Finance describing all financial transactions between DERS and DEP made since the last quarterly meeting;
  - l) Receive and review any reports from the compliance team or their designee of any action taken by Officers, Employees, and Agent or Contractor Staff in response to an emergency that threatens public safety, or the safety of Officers, Employees, and Agent or Contractor Staff;
  - m) Consider any necessary changes to the Compliance Plan that reflect changed circumstances or improved practices.
4. The compliance team or their designee will maintain minutes of the Compliance Plan Committee meetings, which shall have appended to them, copies of the Compliance Plan Investigation Reports and the Compliance Plan Contravention Reports that were received and reviewed by the Compliance Plan Committee.
  5. The compliance team or their designee is accountable for the development of the Compliance Plan.
  6. The Compliance Plan Committee shall be accountable for:
    - a) Providing direction to individual members of the Compliance Plan Committee related to implementing and monitoring the Compliance Plan;
    - b) Identifying and approving proposed changes to the Compliance Plan, where appropriate; and
    - c) Ensuring compliance with this Regulation and the Compliance Plan and mitigating issues of non-compliance.

7. The Compliance Plan Committee Report will be provided to the Board of Directors of DEML by the compliance team or their designee as soon as practicable after the quarterly Compliance Plan Committee meeting is held.
8. The Compliance Plan Committee shall be responsible for ensuring that Officers, Employees, and Agent or Contractor Staff are informed that the Auditor has the authority to receive, and they shall provide to the Auditor, free and unfettered access to appropriate Officers, Employees, and Agent or Contractor Staff, including the information systems of DERS, DEP and of any Agent or Contractor, to complete the compliance audit requirements of the Regulation and the Compliance Plan in a timely and efficient manner.
9. A copy of all policies that are in place to ensure compliance with the rules respecting service standards made by the Commission under section 129(1) of the *Electric Utilities Act* or section 28.3(1) of the *Gas Utilities Act* will be available for the Auditor.

**Policy: DERS and DEP will develop compliance training material that will be used to train officers, employees, agents and contractors of DERS and DEP on the provisions of the Regulation, the Compliance Plan, and their duties and responsibilities. The material will include the following topics:**

- **Equal treatment of Customers;**
- **Protecting confidential Customer Information;**
- **Equal treatment of Retailers; and**
- **Preventing unfair competitive advantage for Affiliated Retailers.**
- **Other (to be specified)**

### **Mechanisms**

1. A member of the compliance team or their designee will prepare, maintain, and update as required, compliance training materials in accordance with this policy.
2. Officers, Employees, and Agent or Contractor Staff will be informed of the applicable requirements of the Regulation and the applicable requirements of the Compliance Plan by being required to: (a) read the Compliance Plan and, (b) complete an online training session, or an alternative version of the training designed to address the applicable sections of the Compliance Plan. Officers, Employees, and Agent or Contractor Staff will fulfill these requirements within one week after beginning employment and prior to providing services to DERS or DEP. This mechanism is the same as the mechanism described in 3.1.
3. Officers, Employees, and Agent or Contractor Staff will be required to submit an electronic or written signature upon completion of online training which acknowledges that he/she has received and read a copy of the Compliance Plan and understands the obligations of DERS and/or DEP, and his/her personal obligations,

under the Compliance Plan. If the Compliance Plan is amended, the amended provisions will be provided to Officers, Employees, and Agent or Contractor Staff to whom the amendment applies within 60 days of the date of the amendment coming into force. The amendments will be presented in a form chosen by the compliance team or their designee, and training completions will be tracked and kept on file for the length of time noted in Section 28 of this Compliance Plan. This mechanism is the same as the mechanism described in 3.2.

### **31.0 Approval by Commission**

**Retained for Numbering Consistency**

### **32.0 Changes to Compliance Plan**

**Policy: DERS and DEP will amend the Compliance Plan to reflect changes in circumstances and changes to the Regulation.**

#### **Mechanism**

1. DERS and DEP shall keep the compliance plan up to date, and shall make changes when circumstances or the Regulation changes. All changes to the compliance plan will be submitted to the Commission for approval within the timeframe outlined by the Regulation. After receiving Commission approval of compliance plan changes, DERS and DEP shall send a copy of the approved compliance plan to DERS and DEP officers, employees, agents and contractors affected by the plan.

### **33.0 Quarterly and annual compliance reports**

**Policy: DERS and DEP will report any non-compliance with the Regulation and the Compliance Plan and file annual reports in accordance with the Regulation and any applicable Commission rule.**

#### **Mechanisms**

1. DERS and DEP shall, in each quarter of a calendar year, prepare a Compliance Report for the Board of Directors of DEML describing:
  - a) Any non-compliance with the Regulation or the compliance plan,
  - b) The action taken to remedy any non-compliance, and
  - c) Any complaints of non-compliance with the Regulation or the compliance plan, and how the complaints have been dealt with.

Complaints shall be reported to the Compliance Plan Committee, and will be included in the Compliance Report. The minutes of the Compliance Plan Committee meetings related to these matters shall be provided to the Board of directors of DEML by a member of the compliance team or their designee as soon as practicable after the quarterly Compliance Plan Committee meeting is held.

2. DERS and DEP shall file a Compliance Report with the Commission within 30 days of becoming aware of an incident of non-compliance with the Code of Conduct Regulation or its Compliance Plan.
3. Within 90 days after the end of each calendar year, DERS and DEP will send the Commission an annual compliance report, approved by the Board of Directors of DEML, describing the matters detailed in mechanism 33.1.

### **34.0 Information about complaints**

**Policy: DERS and DEP will give notice to the public that complaints about contraventions of the Regulation or the plan may be made to the Commission or the Market Surveillance Administrator.**

#### **Mechanism**

1. DERS and DEP will include the following written message on the Customer's bill once per twelve month period, giving notice in accordance with the regulation that complaints about contraventions of the Regulation may be made to the Commission or the Market Surveillance Administrator, and that the Commission and the Market Surveillance Administrator are independent of DERS and DEP:

DERS customer bill message: "Code of Conduct Information: Direct Energy Regulated Services is bound by the provisions of the Code of Conduct Regulation. Complaints respecting possible contravention of this Regulation by Direct Energy Regulated Services should be directed to Direct Energy Regulated Services at 1-866-420-3174; and to the Alberta Utilities Commission (780-427-4903 or [consumer-relations@auc.ab.ca](mailto:consumer-relations@auc.ab.ca)) or the Market Surveillance Administrator (403-705-3181 or [compliance@albertamsa.ca](mailto:compliance@albertamsa.ca)). The Alberta Utilities Commission and the Market Surveillance Administrator are independent of Direct Energy Regulated Services."

DEP customer bill message: "Code of Conduct Information: Direct Energy Partnership is bound by the provisions of the Code of Conduct Regulation. Complaints respecting possible contravention of this Regulation by Direct Energy Partnership should be directed to Direct Energy at 1-866-374-6299; and to the Alberta Utilities Commission (780-427-4903 or [consumer-relations@auc.ab.ca](mailto:consumer-relations@auc.ab.ca)) or the Market Surveillance Administrator (403-705-3181 or [compliance@albertamsa.ca](mailto:compliance@albertamsa.ca)). The

Alberta Utilities Commission and the Market Surveillance Administrator are independent of Direct Energy Partnership.”

### **35.0 Publication of compliance plans and reports**

Retained for numbering consistency

### **36.0 Regulation prevails**

**Policy: Compliance by DERS and DEP with the Compliance Plan requirements does not release DERS and DEP from complying with the Regulation.**

#### **Mechanism**

1. Officers, Employees, and Agent or Contractor Staff will comply with the Compliance Plan requirements and will comply with the Regulation.

## **Division 2 Varying Arrangements**

### **37.0 Alternative compliance arrangements**

Retained for numbering consistency

### **38.0 Emergency exceptions**

**Policy: Any action taken by DERS and DEP in response to an emergency that threatens public safety, the safety of officers, employees, contractors or agents, the physical integrity of their facilities or system reliability does not contravene the Regulation or the Compliance Plan.**

#### **Mechanism**

1. Any action taken by Officers, Employees, and Agent or Contractor Staff in response to an emergency that threatens the safety of the public, of Officers, Employees, or Agent or Contractor Staff, will be reported to the compliance team. The occurrence will be reported to the Commission as soon as practicable after it occurs, and to the Compliance Plan Committee at the next quarterly meeting following the occurrence.

### **Division 3 Compliance Audit**

#### **39.0 Appointment of auditor**

**Retained for numbering consistency**

#### **40.0 Audit**

**Policy: DERS and DEP will give the auditor access to any information required to conduct the audit and will reimburse the Commission for the auditor's costs and expenses in accordance with AUC Rule 030.**

#### **Mechanism**

1. The Compliance Plan Committee shall be responsible for ensuring that Officers, Employees, and Agent or Contractor Staff are informed that the Auditor has the authority to receive, and they shall provide to the Auditor, free and unfettered access to appropriate Officers, Employees, and Agent or Contractor Staff, including the information systems of DERS, DEP and of any Agent or Contractor, to complete the compliance audit requirements of the Regulation and the Compliance Plan in a timely and efficient manner. This mechanism is the same as the mechanism described in 30.8.

#### **41.0 Audit report**

**Retained for numbering consistency**

### **Division 4 Investigations**

#### **42.0 Referral of matters to MSA**

**Retained for numbering consistency**

#### **43.0 Notice to Commission of MSA investigations**

**Retained for numbering consistency**

**44.0 Information sharing between Commission and MSA**

Retained for numbering consistency

**Part 5**

**Transition Provisions, Repeal and Coming into Force**

**45.0 Approvals under Code of Conduct Regulation (AR 160/2003)**

**Policy:** DERS and DEP will continue to comply with the Compliance Plan filed with and any approvals for exemptions given by the Market Surveillance Administrator that was in effect under *Code of Conduct Regulation (AR 160/2003)* until this compliance plan is approved by the Commission.

**46.0 Approvals under Code of Conduct Regulation (AR 183/2003)**

**Policy:** DERS and DEP will continue to comply with the Compliance Plan filed with and any approvals for exemptions given by the Commission that was in effect under *Code of Conduct Regulation (AR 183/2003)* until this compliance plan is approved by the Commission.

**47.0 Consents continued**

Retained for numbering consistency

**48.0 Market Surveillance and Commission duties**

Retained for numbering consistency

**49.0 Repeal**

Retained for numbering consistency

**50.0 Expiry**

Retained for numbering consistency

**51.0 Coming into force**



**Policy:** The Compliance Plan will be effective on the date it is approved by the AUC and remains effective until amended or revoked.

## **Appendix A**

### **Compliance Acknowledgement**

*Note: Terms utilized in this Compliance Acknowledgement are defined in the Definitions Section of the Compliance Plan.*

Direct Energy Regulated Services, a business unit of Direct Energy Marketing Limited, and Direct Energy Partnership, a partnership that is registered in Alberta that operated under the brand name Direct Energy and is managed by DEML, are committed to conducting their affairs in accordance with all applicable laws that govern DERS' and DEP's operations. DEML has developed this Compliance Plan as part of that commitment. DEML requires Officers, Employees, and Agent or Contractor Staff to comply with the policies and mechanisms contained in this Compliance Plan in all circumstances.

The undersigned Officer, Employee, Agent or Contractor Staff hereby acknowledges that he/she has received and read a copy of this Compliance Plan and understands both the obligations of DERS, DEP and his/her personal obligations, as described in this Compliance Plan, and undertakes to conduct himself/herself in a manner that is in accordance with the policies and mechanisms contained in this Compliance Plan.

The undersigned Officer, Employee, Agent or Contractor Staff hereby acknowledges that he/she will not:

- If representing DERS, give preferential treatment to affiliates of DERS or customers of affiliates of DERS and will not conduct his/her activities in a manner that would discriminate against any Retailer or against any customers of any Retailer.
- If representing DEP, seek preferential treatment for DEP from DERS.

The undersigned Officer, Employee, Agent or Contractor Staff acknowledge that it is his/her obligation and right to ask questions and seek clarification regarding the contents of this Compliance Plan from his/her supervisor if there is any uncertainty or question respecting his/her understanding of the policies and mechanisms described in this Compliance Plan.

Acknowledged and accepted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Signature

Print Name