



Guideline for Declaration of Compliance

Ontario Regulation 22/04

Electrical Distribution Safety

February 5, 2021

Revision 2.1

Legal Disclaimer.

This document contains GUIDELINES ONLY to assist members of the industry in interpreting Ontario Regulation 22/04 - Electrical Distribution Safety - made under subsection 113(1) of Part VIII of the Electricity Act, 1998. These guidelines do not have the force of law. Where there is a conflict between these guidelines and any legislation or regulation which may apply, the relevant law prevails.

Retention Periods stated in the guidelines set out the minimum period for which referenced documents are to be retained. Each distributor needs to make its own assessment of the appropriate retention period for specific documents based on its assessment of risk factors and potential liability.

1.0 Annual Declaration of Compliance

1.1 What is the Annual Declaration of Compliance?

Section 14 of the Regulation requires distributors to submit to ESA an annual Declaration of Compliance with Sections 3, 9, 10, 11 and 12 of the Regulation. The Declaration must be signed by a professional engineer or a director or officer of the distributor.

Note: The reference to a “director” is a member of the board of people that manages or oversees the affairs of the distributor.

The Declaration is to be submitted to ESA each year, due when the annual audit report is due. Distributors are organized into three groups, with the Declaration of Compliance due with the audit report. Information on these groups and required audit and Declaration submission dates can be found at the ESA Utility Regulation website www.esaeds.info.

An originally signed copy of the Declaration is to be sent to:

Electrical Safety Authority
155A Matheson Blvd. West, Suite 200
Mississauga, Ontario
L5R3L5
Attention: General Manager of Utility Regulation

1.2 What format is required for the Declaration?

The format to be used for the Declaration is shown in Appendix 1.

1.3 What does the Declaration cover?

1.3.1 The Declaration is based on knowledge, belief and reasonable inquiry.

1.3.2 The Declaration sets out either:

1.3.2.1 The distributor is in full compliance; or

1.3.2.2 The distributor is not in full compliance and identifies any area of non-compliance together with the action plan to remedy the identified non-compliance;

1.3.3 Identifies the methodology used to assess and confirm compliance.

1.4 Assessment and Confirmation of Compliance (Methodology)

It is in the best interest of the distributor to make compliance testing and verification a formal procedure and documenting testing and analysis. The Declaration identifies five possible methodologies for assessing and confirming compliance to satisfy a distributor that it is in compliance or to identify areas of non-compliance:

- 1.4.1 A review and validation of processes by senior management;
- 1.4.2 A review and validation of processes by managers independent of those whose processes are being reviewed;
- 1.4.3 A review and validation of processes by independent internal or external auditors;
- 1.4.4 A review and validation of processes by a duly appointed compliance officer; or
- 1.4.5 Any other methodology used by the distributor in which case the distributor is required to describe the methodology.

1.5 Further Information

ESA may request any additional information relating to the review and validation process considered necessary by ESA to support the annual Declaration of Compliance.

1.6 Signature

The Declaration is to be signed by a professional engineer or a director or officer of the distributor.

Note: The reference to a “director” is a member of the board of people that manages or oversees the affairs of the distributor.

Appendix 1

Annual Declaration of Compliance

The Declaration of Compliance is submitted by *name of distributor* in accordance with Ontario Regulation 22/04, Section 14 for the period *commencement date* to *ending date*.

I *full name and title or designation*, of or on behalf of *name of distributor* hereby state that, to the best of my knowledge and belief and having made reasonable inquiries, *name of distributor* has complied with the following Sections of Ontario Regulation 22/04:

1. Section 3 – Same, change of ownership;
2. Section 9 – Deviations from required standards;
3. Section 10 - Proximity to distribution lines;
4. Section 11 – Disconnection of unused lines;
5. Section 12 – Reporting of serious electrical incidents.

OR *name of distributor* has identified the following instances of non-compliance. If the distributor identifies non-compliance a plan to remedy the non-compliance including anticipated completion date must be provided:

Name of distributor has used the following methodology to assess and verify compliance:

1. A review and validation of processes by senior management;
2. A review and validation of processes by managers independent of those whose processes are being reviewed;
3. A review and validation of processes by independent internal or external auditors;
4. A review and validation of processes by a duly appointed compliance officer; or
5. Another methodology used by the distributor in which case the distributor is required to describe the methodology.

Name of distributor shall provide ESA with such additional information relating to the review and validation process as is considered necessary by ESA to support this Annual Declaration of Compliance.

Signature

Title or Professional Designation

Date

Please Check 1 or more Boxes Below

- Officer of the Distributor
- Director of the Distributor
(member of the board of directors)
- Professional Engineer

Section	Systems/Procedures	Comments	N/A	C	NI	NC
	<u>Objective:</u> to determine whether the distributor has complied with all of the conditions in sections 3, 9, 10, 11, and 12 of the Regulation.					
14	1) Has a professional engineer, officer or director of the distributor signed the annual declaration of compliance? 2) 2) Has the annual declaration of compliance been submitted to the Authority?					
3	1) Does the distributor have processes in place to ensure compliance with Section 3 of the Regulation? 2) Does the distributor make a reasonable effort to conform with the processes?					
9	1) Does the distributor have processes in place to ensure compliance with Section 9 of the Regulation? 2) Does the distributor make a reasonable effort to conform with the processes?					
10	1) Does the distributor have processes in place to ensure compliance with Section 10 of the Regulation?					

	2) Does the distributor make a reasonable effort to conform with the processes?					
11	1) Does the distributor have processes in place to ensure compliance with Section 11 of the Regulation? 2) Does the distributor make a reasonable effort to conform with the processes?					
12	1) Does the distributor have processes in place to ensure compliance with Section 12 of the Regulation? 2) Does the distributor make a reasonable effort to conform with the processes?					