



EB-2010-0221

IN THE MATTER OF the *Ontario Energy Board Act, 1998*,
S.O. 1998, c. 15, (Schedule B);

AND IN THE MATTER OF a Notice of Interim Order for
Compliance against Summitt Energy Management

INTERIM ORDER FOR COMPLIANCE

WHEREAS section 112.2 (6) of the *Ontario Energy Board Act, 1998* (the “Act”) permits the Ontario Energy Board (the “Board”) to make an Interim Order under section 112.3 of the Act requiring Summitt Energy Management (“Summitt”) to comply with a number of enforceable provisions as defined in section 112.1 of the Act;

AND WHEREAS the Board provided Summitt with a Notice of Intention to Make an Order for Compliance, Suspension and an Administrative Penalty under sections 112.3, 112.4 and 112.5 of the Act dated June 17, 2010;

AND WHEREAS it appears to the Board that:

- a. Summitt sales agents provided false, misleading and deceptive statements to consumers thereby engaging in an unfair practice contrary to section 88.4(2)(c) and 88.4(3)(c) of the Act.
- b. Summitt sales agents breached section 2.1 of the Code Conduct for Gas Marketers and the Electricity Retailers Code of Conduct (the “codes”) by failing to immediately and truthfully give the name of the retailer and marketer (Summitt) to the consumer, failing to advise the consumer that Summitt was offering a contract for the supply of natural gas and electricity and that Summitt is not the consumer’s distributor, failing to

state the price to be paid under the contract for the supply of electricity and natural gas, and making representations or statements that were false or likely to mislead a consumer.

- c. Summitt has also contravened section 88.9 (1) of the Act by failing to deliver a written copy of the contract to the consumer within the time prescribed by regulation.

AND WHEREAS the Board is of the opinion that it is in the public interest to make this Order;

THE BOARD ORDERS THAT:

1. Summitt shall take all necessary steps to ensure that its sales agents act in accordance with sections 88.4 (2) (c) and 88.4 (3) (c) of the Act and that they do not engage in any practice prescribed by regulation as an unfair practice or fail to do anything where such failure constitutes an unfair practice as prescribed by regulation.
2. Summitt shall take all necessary steps to ensure that its sales agents act in accordance with section 2.1 of the Codes and that its sales agents, when marketing to a consumer, immediately and truthfully give the name of the retailer and marketer (Summitt) to the consumer, advise the consumer that Summitt is offering a contract for the supply of natural gas and/or electricity and that Summitt is not the consumer's distributor. The sales agents will also state the price to be paid under the contract for the supply of electricity and/or natural gas, and not make representations or statements that are false or likely to mislead a consumer.
3. Summitt shall take all necessary steps to ensure that it delivers a written copy of the contract to the consumer within the time prescribed by regulation.

4. Summitt shall provide information to the Board, as required, with respect to the steps taken to ensure compliance with sections 88.4 (2) (c), 88.4 (3) (c) and 88.9 (1) of the Act and section 2.1 of the Codes.

Dated at Toronto, June 17, 2010

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary