



**EB-2012-0281**

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

**AND IN THE MATTER OF** a Notice of Intention to Make an Order for Compliance and an Administrative Penalty against Hudson Energy Canada Corp. (“Hudson Energy”), Licence Numbers ER-2010-0223 and GM-2010-0224.

## **ORDER**

**WHEREAS**, pursuant to section 112.2, 112.3 and 112.5 of the Act, the Board issued a Notice of Intention to Make an Order for Compliance and the payment of an Administrative Penalty (the “Notice”) against Hudson Energy on July 10, 2012;

**AND WHEREAS**, Hudson Energy was informed that it had fifteen days after receiving the Notice to give notice to the Board requiring the Board to hold a hearing and Hudson Energy did not request a hearing;

**AND WHEREAS**, the Notice provided that the Board intends to make an Order under sections 112.3 and 112.5 of the Act requiring Hudson Energy to comply with a number of enforceable provisions as defined in section 3 of the Act and to pay an administrative penalty in the amount of \$11,000 for breaches of enforceable provisions.

**THE BOARD HEREBY FINDS** that Hudson Energy has contravened:

1. Sections 8(3)(c), 13(2) and 13(4) of Ontario Regulation 389/10; and
2. Sections 3.3(e), 4.6(a), 4.10, 4.11(a) and 5.10(f) of the Electricity Retailer Code of Conduct (the “Code”).

**NOW THEREFORE THE BOARD ORDERS THAT:**

1. Pursuant to section 112.3 of the Act and having found that Hudson Energy has contravened a number of enforceable provisions as defined in section 3 of the Act, Hudson Energy shall:
  - a. In respect of the contraventions listed in number 2 in the Notice, immediately commence using the Board Approved Electricity Price Comparison for all transactions in the form or manner and under the circumstances, if any, as may be required; in accordance with section 8(3)(c) of Ontario Regulation 389/10 and section 4.6(a) of the Code;
  - b. In respect of the contraventions listed in numbers 3 and 4 of the Notice, immediately ensure that all verification calls are made in accordance with the electricity verification script, section 13(2) of the Ontario Regulation 389/10 and sections 4.10 and 4.11(a) of the Code;
  - c. In respect of the contraventions listed in number 5 of the Notice, immediately ensure that a separate verification call is made and a separate price comparison is provided for each contract location in accordance with section 13(2) of Ontario Regulation 389/10 and sections 4.10 and 4.11(a) of the Code;
  - d. In respect of the contraventions listed in number 6 of the Notice, ensure that contracts are verified no earlier than the 10<sup>th</sup> day and no later than the 45<sup>th</sup> day after the day on which a text based contract is delivered or provided to the consumer in accordance with section 13(4) of Ontario Regulation 389/10; and
  - e. In respect of the contraventions listed in number 7 of the Notice, ensure that a request to an electricity distributor for a change of electricity supply to that retailer or to supply electricity to a low volume consumer under a contract is not made unless a valid verification call is completed in accordance with section 3.3(e) of the Code.
2. Pursuant to section 112.5 of the Act and having found that Hudson Energy has contravened enforceable provisions of the Act, Hudson Energy shall forthwith pay an administrative penalty in the amount of \$11,000 by certified cheque payable to the Ontario Energy Board.

**ISSUED** at Toronto, July 31, 2012.

**ONTARIO ENERGY BOARD**

*Original signed by*

Rosemarie T. Leclair  
Chair and CEO