



**EB-2015-0157**  
**EB-2015-0158**

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

**AND IN THE MATTER OF** applications by Onit  
Energy Ltd. to renew Electricity Retailer Licence ER-  
2013-0076 and Gas Marketer Licence GM-2013-  
0077.

By delegation, before: Peter Fraser

## **DECISION AND ORDER**

**July 30, 2015**

Onit Energy Ltd. (Onit Energy) filed an application on April 16, 2015 with the Ontario Energy Board (the OEB) under section 60 of the *Ontario Energy Board Act, 1998* (the OEB Act) for an electricity retailer licence renewal. Onit Energy also filed a separate application under section 50 of the OEB Act for its gas marketer licence renewal. Due to the similar nature, the applications have been combined into one proceeding pursuant to section 21(5) of the OEB Act.

The OEB issued a combined Notice of Applications and Hearing on May 4, 2015, inviting intervention in the hearing and comments on the applications. No parties responded to the notice. OEB staff participated in the hearing and filed written interrogatories on June 4, 2015. Onit Energy responded to OEB staff's interrogatories on June 15, 2015. OEB staff filed a submission on July 8, 2015. Onit Energy did not file a reply submission.

In order to renew the licences to retail electricity and market natural gas, an applicant must establish that it meets the minimum requirements set out in the O. Reg. 90/99

---

“Licence Requirements – Electricity Retailers and Gas Marketers” made under the OEB Act:

1. Having regard to the financial position of the applicant, the applicant can reasonably be expected to be financially responsible in the conduct of business.
2. The past conduct of the applicant affords reasonable grounds for belief that the applicant will carry on business in accordance with law and with integrity and honesty.
3. If the applicant is a corporation, the past conduct of its officers and directors affords reasonable grounds for belief that its business will be carried on in accordance with law and with integrity and honesty.
4. The applicant is not carrying on activities that are, or will be, if the applicant is licensed, in contravention of the OEB Act or the regulations or the codes, orders or rules issued or made by the Board.

To evaluate applications for electricity retailer and gas marketer licences, the OEB focuses its consideration of these requirements on the applicant’s financial position, technical capability to operate in the market, and conduct. The record in these cases indicates that Onit Energy has met these requirements.

OEB staff in its submission supported the applications. After reviewing the evidence and Onit Energy’s interrogatory responses respecting its compliance and customer service practices, financial position and technical capability, OEB staff submitted that Onit Energy’s electricity retailer and gas marketer licences be renewed for the five year term.

OEB staff took the position that Onit Energy can reasonably be expected to be financially responsible in the conduct of its business and that it has adequate technical capabilities to operate in the Ontario market. With respect to the applicant’s conduct, OEB staff noted that Onit Energy has not been subject to any compliance or enforcement proceedings since the last renewal of the licences in 2013. OEB staff further submitted that Onit Energy has the appropriate systems, policies, procedures and controls in place to comply with the OEB’s Codes and Rules.

Based on the evidence, I find that it is in the public interest to grant Onit Energy an electricity retailer licence under Part V of the OEB Act and a gas marketer licence under Part IV of the OEB Act. The record does not suggest any issues regarding finances or technical competence, and the evidence regarding conduct at this time is satisfactory.

**IT IS THEREFORE ORDERED THAT:**

1. The application for an electricity retailer licence is granted, on such conditions as are contained in the attached licence.
2. The application for a gas marketer licence is granted, on such conditions as are contained in the attached licence.

**DATED** at Toronto, July 30, 2015

ONTARIO ENERGY BOARD

*Original signed by*

Peter Fraser  
Vice President, Industry Operations and Performance



# Electricity Retailer Licence

**ER-2015-0157**

**Onit Energy Ltd.**

**Valid Until**

**July 29, 2020**

*Original signed by*

---

**Peter Fraser**  
**Vice President, Industry Operations & Performance**  
**Ontario Energy Board**  
**Date of Issuance: July 30, 2015**

Ontario Energy Board  
P.O. Box 2319  
2300 Yonge Street  
27th. Floor  
Toronto, ON M4P 1E4

Commission de l'énergie de l'Ontario  
C.P. 2319  
2300, rue Yonge  
27e étage  
Toronto ON M4P 1E4

	<b>Table of Contents</b>	<b>Page No.</b>
1	Definitions .....	1
2	Interpretation .....	1
3	Authorization .....	1
4	Obligation to Comply with Legislation, Regulations and Market Rules .....	2
5	Obligation to Comply with Codes .....	2
6	Agent for Service.....	2
7	Market Power Mitigation Rebates .....	2
8	Provision of Information to the Board.....	2
9	Customer Complaint and Dispute Resolution .....	3
10	Term of Licence .....	3
11	Fees and Assessments.....	3
12	Communication .....	3
13	Copies of the Licence.....	3
	SCHEDULE 1 AUTHORIZED TRADE NAMES.....	4
	SCHEDULE 2 SPECIAL CONDITIONS .....	5
	APPENDIX A MARKET POWER MITIGATION REBATES.....	6

## 1 Definitions

In this Licence:

“**Act**” means the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, Schedule B;

“**consumer**” means a person who uses, for the person’s own consumption, electricity that the person did not generate;

“**Electricity Act**” means the *Electricity Act, 1998*, S.O. 1998, c. 15, Schedule A;

“**ECPA**” means the *Energy Consumer Protection Act, 2010*, S.O. 2010, c. 8;

“**Licensee**” means Onit Energy Ltd.;

“**Market Rules**” means the rules made under section 32 of the Electricity Act; and

“**regulation**” means a regulation made under the Act or the Electricity Act or the ECPA;

“**residential or small business consumer**” means a consumer who annually uses less than 150,000 kWh of electricity;

For the purpose of this Licence, the terms “retailer” and “retailing” do not apply to a Licensed Distribution Company fulfilling its obligations under section 29 of the Electricity Act.

## 2 Interpretation

- 2.1 In this Licence, words and phrases shall have the meaning ascribed to them in the Act, the Electricity Act or the ECPA. Words or phrases importing the singular shall include the plural and vice versa. Headings are for convenience only and shall not affect the interpretation of this Licence. Any reference to a document or a provision of a document includes an amendment or supplement to, or a replacement of, that document or that provision of that document. In the computation of time under this Licence, where there is a reference to a number of days between two events, they shall be counted by excluding the day on which the first event happens and including the day on which the second event happens. Where the time for doing an act expires on a holiday, the act may be done on the next day that is not a holiday.

## 3 Authorization

- 3.1 The Licensee is authorized, under Part V of the Act and subject to the terms and conditions set out in this Licence:
- a) to sell or offer to sell electricity to a consumer;
  - b) to act as the agent or broker for a retailer with respect to the sale or offering for sale of electricity; and
  - c) to act or offer to act as the agent or broker for a consumer with respect to the sale or offering for sale of electricity.

- 3.2 The Licensee is authorized to conduct business in the name under which this Licence is issued, or any trade name(s) listed in Schedule 1.

#### **4 Obligation to Comply with Legislation, Regulations and Market Rules**

- 4.1 The Licensee shall comply with all applicable provisions of the Act, the Electricity Act and regulations under these Acts, except where the Licensee has been exempted from such compliance by regulation.
- 4.2 The Licensee shall comply with all applicable Market Rules.

#### **5 Obligation to Comply with Codes**

- 5.1 The Licensee shall at all times comply with the following Codes (collectively the "Codes") approved by the Board, except where the Licensee has been specifically exempted from such compliance by the Board:
- a) the Electricity Retailer Code of Conduct, and;
  - b) the Retail Settlement Code.
- 5.2 The Licensee shall:
- a) make a copy of the Codes available for inspection by members of the public at its head office and regional offices during normal business hours; and
  - b) provide a copy of the Codes to any person who requests it. The Licensee may impose a fair and reasonable charge for the cost of providing copies.

#### **6 Agent for Service**

- 6.1 If the Licensee does not have an office or other place of business in Ontario, the Licensee shall ensure the continuing appointment at all times of an individual who is a resident of Ontario and is at least 18 years old, or a corporation that has its head office or registered office in Ontario, as the Licensee's agent for service in Ontario on whom service of process, notices or other documentation may be made.

#### **7 Market Power Mitigation Rebates**

- 7.1 The Licensee shall comply with the pass through of Ontario Power Generation rebate conditions set out in Appendix A of this Licence.

#### **8 Provision of Information to the Board**

- 8.1 The Licensee shall maintain records of and provide, in the manner and form determined by the Board, such information as the Board may require from time to time.
- 8.2 Without limiting the generality of paragraph 8.1, the Licensee shall notify the Board of any material change in circumstances that adversely affects or is likely to adversely affect the business, operations or assets of the Licensee as soon as practicable, but in any event no more than twenty (20) days past the date upon which such change occurs.

## **9 Customer Complaint and Dispute Resolution**

9.1 The Licensee shall participate in a consumer complaints resolution process selected by the Board.

## **10 Term of Licence**

10.1 This Licence shall take effect on July 30, 2015 and expire on July 29, 2020. The term of this Licence may be extended by the Board.

## **11 Fees and Assessments**

11.1 The Licensee shall pay all fees charged and amounts assessed by the Board.

## **12 Communication**

12.1 The Licensee shall designate a person that will act as a primary contact with the Board on matters related to this Licence. The Licensee shall notify the Board promptly should the contact details change.

12.2 All official communication relating to this Licence shall be in writing.

12.3 All written communication is to be regarded as having been given by the sender and received by the addressee:

- a) when delivered in person to the addressee by hand, by registered mail, or by courier;
- b) ten (10) business days after the date of posting if the communication is sent by regular mail; or
- c) when received by facsimile transmission by the addressee, according to the sender's transmission report.

## **13 Copies of the Licence**

13.1 The Licensee shall:

- a) make a copy of this Licence available for inspection by members of the public at its head office and regional offices during normal business hours; and
- b) provide a copy of this Licence to any person who requests it. The Licensee may impose a fair and reasonable charge for the cost of providing copies.

**SCHEDULE 1 AUTHORIZED TRADE NAMES**

1. Ontario Wholesale Energy Gas & Electric

**SCHEDULE 2 SPECIAL CONDITIONS**

1. None

## APPENDIX A

### MARKET POWER MITIGATION REBATES

“OPGI” means Ontario Power Generation Inc.

A retailer shall promptly pass through a portion of the rebate received from a distributor to those consumers who are not receiving the fixed price under sections 79.4, 79.5 and 79.16 of the *Ontario Energy Board Act, 1998* and who are served by the retailer but who have not assigned the benefit of the rebate payment to the retailer.

If requested in writing by OPGI, the retailer shall ensure that all rebates paid to consumers are identified as coming from OPGI in the following form on or with each bill or cheque.

“ONTARIO POWER GENERATION INC. rebate”

A retailer shall promptly return to a distributor any portion of the rebate received from the distributor which relates to low-volume or designated consumers receiving the fixed commodity price for electricity under sections 79.4, 79.5 and 79.16 of the *Ontario Energy Board Act, 1998*, who are served by the retailer but who have not assigned the benefit of the rebate payment to the retailer or another party.

The amounts paid out to consumers or returned to the distributor shall be based on energy consumed and calculated in accordance with the rules set out in the Retail Settlement Code.

Amounts payable by the retailer may be made by way of set off at the discretion of the retailer.

### ONTARIO POWER GENERATION INC. REBATES

For the payments that relate to the period from May 1, 2006 to April 30, 2009, the rules set out below shall apply.

A retailer shall promptly pass through a portion of the rebate received from a distributor to those consumers who are not receiving the fixed price under sections 79.4, 79.5 and 79.16 of the *Ontario Energy Board Act, 1998* and who are served by the retailer but who have not assigned the benefit of the rebate payment to the retailer.

If requested in writing by OPGI, the retailer shall ensure that all rebates paid to consumers are identified as coming from OPGI in the following form on or with each bill or cheque.

“ONTARIO POWER GENERATION INC. rebate”

The amounts paid out to consumers or returned to the distributor shall be based on energy consumed and calculated in accordance with the rules set out in the Retail Settlement Code.

Amounts payable by the retailer may be made by way of set off at the discretion of the retailer.