



**EB 2016-0380**

**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 Intention to Make an  
Order under section 112.4 of the *Ontario Energy Board Act,*  
*1998* for Revocation of a Licence against Ensqr Corporation  
(Licence Number ES-2012-0461).

**NOTICE OF INTENTION TO MAKE AN ORDER FOR REVOCATION OF A  
LICENCE UNDER SECTION 112.4 OF THE *ONTARIO ENERGY BOARD ACT,*  
1998**

The Ontario Energy Board (OEB), on its own motion under section 112.2 of the Ontario Energy Board Act, 1998 (Act), intends to make an Order under section 112.4 of the Act to revoke electricity unit sub-metering licence ES-2012-0461 (Licence) issued to Ensqr Corporation (Ensqr).

**ALLEGATIONS OF NON-COMPLIANCE**

It is alleged that Ensqr has failed to comply with the Assurance of Voluntary Compliance (Assurance) it provided to the OEB on August 2, 2016, in which Ensqr assured the OEB it would take certain steps to remedy its admitted non-compliance with sections 5 and 6 of the Licence in respect of ensuring that its eligible customers could enroll in the Ontario Electricity Support Program (OESP).

## **PARTICULARS**

The particulars in support of the allegations set out in this Notice are as follows.

On August 2, 2016, Ensqr provided the Assurance (EB-2016-0200) to the OEB to address Ensqr's failure to meet the requirements of its licence conditions related to the OESP. The OEB accepted the Assurance on August 3, 2016.

To date, Ensqr has complied with only one of the ten items set out in the Assurance: it paid an administrative monetary penalty of \$5,000.00 on August 19, 2016. Ensqr has not complied with the remaining nine items, namely:

- To submit Self-Certification Reports to demonstrate its readiness to implement the OESP.
- To immediately apply rate assistance to a customer's bill when it receives notice that the customer is eligible for rate assistance under the OESP.
- To complete the "Self-Validation Portal" demonstrating that it has completed all the technical milestones associated with OESP implementation.
- To immediately process the applications for eligible customers waiting for OESP, including a one-time adjustment to account for the time they would have been deemed eligible.
- To provide a report to the OEB that includes a list of those customers who are entitled to a credit along with their particulars.
- To send a letter to all eligible customers waiting for rate assistance, in the form specified in the Assurance.
- To process new applications in a timely manner according to the established and mandated OESP process, and provide OEB staff with a monthly report for August 2016 through to and including February 2017.
- To ensure all necessary steps are taken to ensure its website is active with its conditions of service and a link to the OEB's OESP portal.
- To take all necessary steps to ensure compliance with the OEB's complaint process.

Pursuant to section 3 of the Act, an Assurance of Voluntary Compliance is an "enforceable provision". Under section 112.4 of the Act, the OEB may suspend or revoke a licence if it is satisfied that the licensee has contravened an enforceable provision.

**THEREFORE TAKE NOTICE** that Ensqr may request, within fifteen days after receiving this Notice, that the OEB hold a hearing on these matters. If no request for hearing is made within this time period, the OEB may proceed to make an Order revoking the Licence.

**FURTHER TAKE NOTICE** that if a hearing is requested, the OEB is not bound by the above-noted enforcement action and has discretion, upon finding one or more contraventions of an enforceable provision, to make any order it deems appropriate under section 112.4 of the Act. Ensqr is entitled to be present at the hearing with or without counsel and to adduce evidence and make submissions. Should Ensqr fail to attend, the hearing may be conducted in its absence and Ensqr will not be entitled to any further notice in the proceeding.

In order to respond to this Notice and request a hearing, Ensqr must file 3 copies of the request with the office of the Board Secretary at the following address:

Ontario Energy Board  
P.O. Box 2319  
2300 Yonge Street, 27<sup>th</sup> Floor  
Toronto, Ontario  
M4P 1E4  
Attention: Board Secretary  
Email: [Boardsec@ontarioenergyboard.ca](mailto:Boardsec@ontarioenergyboard.ca)  
Tel: 1-888-632-6273  
Fax: 416-440-7656

If a hearing is requested, it will proceed before a Panel of the OEB at the offices of the OEB, 2300 Yonge Street, Toronto, Ontario, on a date to be set by the OEB.

**DATED** at Toronto, February 1, 2017

**ONTARIO ENERGY BOARD**

Original signed by

Rosemarie T. Leclair  
Chair and CEO