



EB-2017-0007

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 for Compliance and Payment of an Administrative Penalty against Planet Energy (Ontario) Corp. (ER-2011-0409) (GM-2013-0269).

AMENDED PROCEDURAL ORDER NO. 2

June 30, 2017

On February 9, 2017, the Ontario Energy Board (OEB), on its own motion under section 112.2 of the *Ontario Energy Board Act, 1998* (the Act), issued a Notice of Intention to make an Order under sections 112.3 and 112.5 of the Act against Planet Energy (Ontario) Corp. (Planet Energy) for compliance with a number of enforceable provisions as defined in section 3 of the Act, including requiring Planet Energy to take immediate and appropriate measures to ensure its salespersons comply with enforceable provisions of the Act, to refund monies to affected consumers, and to pay an administrative penalty in the amount of \$450,000.

Allegations of non-compliance are set out in the Notice of Intention.

By way of letter dated February 23, 2017, Planet Energy requested that the OEB hold a hearing in this matter and proposed that a pre-hearing conference be scheduled.

On April 27, 2017 the OEB issued a Notice of Hearing and Procedural Order No. 1 indicating that it will hold an oral hearing, and making provision for a pre-hearing conference to be held on July 11, 2017.

Planet Energy's Motion for Production

On June 7, 2017, Planet Energy filed a Notice of Motion seeking the production of certain documents and other information by four individuals described in the Notice of Motion as “the OEB Expected Witnesses”: James MacArthur, Kayvan Nahid, Roobinet Andrassin and Robert Hawkins. In the Notice of Motion, Planet Energy asked that the motion be heard orally, but indicated that it wished to file additional written submissions.

A date for the oral hearing of the motion will be set at the pre-hearing conference on July 11, 2017. In the meantime, the parties and the OEB Expected Witnesses shall file written submissions on the motion in accordance with the schedule set out below.

THE ONTARIO ENERGY BOARD ORDERS THAT:

1. Planet Energy shall file with the OEB any additional materials in support of the motion, and serve a copy on the Enforcement Team and the OEB Expected Witnesses, on or before **July 7, 2017**.
2. The Enforcement Team shall file with the OEB any responding materials, in accordance with Rule 8.03 of the OEB’s [Rules of Practice and Procedure for Enforcement Proceedings](#), and serve a copy on Planet Energy and the OEB Expected Witnesses, on or before **July 14, 2017**.
3. If any of the OEB Expected Witnesses wish to respond to the Notice of Motion, they shall file with the OEB any responding materials, in accordance with Rule 8.03 of the OEB’s [Rules of Practice and Procedure for Enforcement Proceedings](#), and serve a copy on Planet Energy and the Enforcement Team, on or before **July 14, 2017**. Any filings by the OEB Expected Witnesses may be made by e-mail to Boardsec@oeb.ca rather than through the OEB’s web portal. No paper copies are required.
4. Planet Energy shall file with the OEB a reply to the Enforcement Team’s and the OEB Expected Witnesses’ materials, if necessary, and serve a copy on the Enforcement Team and the OEB Expected Witnesses, on or before **July 21, 2017**.
5. Service of any documents in connection with this motion may be effected by e-mail.

All filings to the OEB (except any that may be made by the OEB Expected Witnesses) must quote file number EB-2017-0007 and be made electronically through the OEB’s

web portal at <https://www.pes.ontarioenergyboard.ca/eservice/> in searchable/unrestricted PDF format. Two paper copies must also be filed. Filings must clearly state the sender's name, postal address and telephone number, fax number and e-mail address. Parties must use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at <http://www.ontarioenergyboard.ca/OEB/Industry>. If the web portal is not available parties may e-mail their documents to the address below. Those who do not have internet access are required to submit all filings on a CD in PDF format, along with two paper copies. Those who do not have computer access are required to file 7 paper copies.

All communications should be directed to the attention of the Board Secretary at the address below, and be received no later than 4:45 p.m. on the required date.

With respect to distribution lists for all electronic correspondence and materials related to this proceeding, parties must include the Case Manager, Michael Bell, at Michael.Bell@oeb.ca and OEB Counsel, Ian Richler, at Ian.Richler@oeb.ca.

ADDRESS

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Attention: Board Secretary

Tel: 1-888-632-6273 (toll free)

Fax: 416-440-7656

E-mail: Boardsec@oeb.ca

ISSUED at Toronto, June 30, 2017

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary