



EB-2017-0022
EB-2017-0223

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

AND IN THE MATTER OF two Notices of Intention to
Make an Order for Compliance and Payment of an
Administrative Penalty against Active Energy Inc.
(Retailer Licence No. ER-2012-0045).

NOTICE OF HEARING
AND
PROCEDURAL ORDER NO. 1

July 12, 2017

On May 25, 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 Active Energy Inc. (Active Energy) to make an Order for Compliance, Restitution and Payment of an Administrative Penalty (EB-2017-0022). The OEB issued a second Notice of Intention on June 1, 2017 (EB-2017-0223).

The Notices indicate that the OEB intends to make an Order under sections 112.3 and 112.5 of the Act against Active Energy for compliance with a number of enforceable provisions as defined in section 3 of the Act, to refund monies to affected consumers, and to pay an administrative penalty in the amount of \$172,000 (May 25th Notice) and \$30,000 (June 1st Notice) for breaches of enforceable provisions.

Allegations of Non-Compliance are set out in the Notices.

By way of letter dated June 6, 2017, Active Energy gave notice under section 112.2(4) of the Act requiring the OEB to hold a hearing.

Consolidation of Proceedings

Because the allegations in the two Notices are similar in nature, the OEB has determined pursuant to section 21(5) of the Act that it will combine proceedings EB-2017-0022 and EB-2017-0223.

Oral Hearing

The OEB will proceed by way of an oral hearing. As noted in the Notices, should Active Energy fail to attend, the hearing may be conducted in its absence and Active Energy will not be entitled to any further notice in this proceeding.

Parties to this Combined Proceeding

The parties to the combined proceeding are Active Energy and the members of OEB staff assigned to bring these matters forward (the Enforcement Team).

Disclosure

To the extent they have not already made disclosure to one another in accordance with Rule 16 of the OEB's *Rules of Practice and Procedure for Enforcement Proceedings*, the parties must do so.

The OEB considers it necessary to make provision for the following procedural matters related to this proceeding. The OEB may issue further procedural orders from time to time.

THE ONTARIO ENERGY BOARD ORDERS THAT:

1. Proceedings EB-2017-0022 and EB-2017-0223 are combined.
2. The parties shall comply with their disclosure obligations under Rule 16 of the OEB's *Rules of Practice and Procedure for Enforcement Proceedings*.
3. An oral hearing will take place in the OEB's North Hearing room beginning at **9:30 a.m. on September 25, 2017** at 2300 Yonge Street on the 25th Floor. If necessary, the oral hearing will continue on **September 26, 2017**.

All filings to the OEB must quote file number EB-2017-0022/EB-2017-0223 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 <https://www.oeb.ca/industry>. If the web portal is not available parties may email 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

Ontario Energy Board
P.O. Box 2319
2300 Yonge Street, 27th Floor
Toronto ON M4P1E4
Attention: Board Secretary
Tel: 1-888-632-6273 (toll free)
Fax: 416-440-7656
E-mail: Boardsec@oeb.ca

ISSUED at Toronto, July 12, 2017
ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary