



EB-2017-0291

**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 Revocation of a Licence against Utility Savings Corp., Licence Numbers GM-2016-0133 and ER-2016-0134

**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* (OEB Act), intends to make an Order under section 112.4 of the OEB Act to revoke the gas marketer and electricity retailer licences issued on July 21, 2016 to Utility Savings Corp. (USC).

**ALLEGATIONS OF NON-COMPLIANCE**

It is alleged that USC has contravened sections of its gas marketer licence (GM-2016-0133), sections of its electricity retailer licence (ER-2016-0134), and the Code of Conduct for Gas Marketers and the Electricity Retailer Code of Conduct (the Codes).

**PARTICULARS**

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

**Annual Licence Fee**

1. On April 1, 2017, the OEB issued invoices #1718GM034 and #1718ER054 to USC. The invoices were each in the amount of \$800.00, and were issued in relation to the OEB's annual fee that USC was obliged to pay for its licences for the OEB's 2017-2018 fiscal year.

2. The invoices were sent to the attention of Michael Katz, who is the person designated by USC as the primary contact with the OEB on matters related to the licences. The invoices were delivered to Michael Katz by mail to Utility Savings, 25 Sheppard Avenue West, North York, Ontario, M2N 6S6 (15<sup>th</sup> floor), which is the address designated by USC for matters related to the licences (the Registered Address).
3. On September 7, 2017, due to non-payment, a package including the final invoices was delivered by courier to the Registered Address. The package was returned to the OEB due to an “incomplete/incorrect address provided”.
4. The OEB has still not received payment from USC. Failure to pay all fees charged and amounts assessed by the OEB is a contravention of an enforceable provision within the meaning of the OEB Act. More specifically, such failure is a contravention of section 10.1 of USC’s gas marketer licence and section 11.1 of USC’s electricity retailer licence.

### **Consumer Complaints Resolution Process**

5. On July 11, 2017, the OEB received a complaint from a consumer regarding USC. OEB staff attempted to contact USC numerous times, by email, phone and courier, in order to inform USC of the consumer complaint and to seek USC’s response to it. USC has been entirely unresponsive to OEB staff’s requests for contact. To the best of OEB staff’s knowledge, USC has not responded directly to the consumer and there has been no resolution to the complaint.
6. Failure to participate in a consumer complaint resolution process selected by the OEB is a contravention of section 8.1 of USC’s gas marketer licence and section 9.1 of USC’s electricity retailer licence.

### **Material Change to Licensee’s Business**

7. On July 20, 2017, a letter from the OEB notifying USC about the aforementioned consumer complaint, and demanding a response to it, was couriered to USC at the Registered Address. As the office at the Registered Address was vacant, the letter was signed for by another tenant also occupying space on the 15<sup>th</sup> floor of the building. No response to this letter was received by the OEB.
8. On August 30, 2017, another letter from the OEB was couriered to USC. The courier was unsuccessful in delivering the letter because USC no longer

occupied this address. The courier then attempted delivery at a second address that USC had once previously used in correspondence with OEB: 265 Rimrock Road, Toronto, Ontario. Delivery to this address was also unsuccessful. To this date, despite best efforts, the OEB remains unable to contact USC.

9. USC's failure to notify the OEB of any material change in circumstances that adversely affects or is likely to adversely affect USC's business, operations or assets by no more than twenty days past the date upon which such change occurs is a contravention of section 7.2 of its gas marketer licence and section 8.2 of its electricity retailer licence.
10. To the best of OEB staff's knowledge, the premises at the Registered Address remains vacated by USC. The delivery by courier of three packages to the address, on July 20, 2017, August 30, 2017 and September 7, 2017, were unsuccessful. Failure to have a current mailing address in Ontario is a contravention of section 8.1 of each of the Codes.
11. By not having a current mailing address in Ontario as required by the Codes, USC is in contravention of section 5 of its licences, which require USC to comply with the provisions of the Codes.
12. By not having a current mailing address in Ontario as required by the Codes, and having no known other head or regional office registered with the OEB, USC is in contravention of section 12 of its gas marketer licence and section 13 of its electricity retailer licence which require USC to make copies of its licences available for inspection by members of the public at its office during normal business hours.

**THEREFORE TAKE NOTICE** that USC may request, within fifteen days after receiving this Notice, that the OEB hold a hearing on these matters. If no request for a hearing is made within this time period, the OEB may proceed to make an Order revoking USC's gas marketer licence (GM-2016-0133) and electricity retailer licence (ER-2016-0134).

**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 OEB Act. USC is entitled to be present at the hearing with or without counsel and to adduce evidence and make submissions. Should USC fail to attend, the hearing may be conducted in its absence and USC will not be entitled to any further notice in the proceeding.

In order to respond to this Notice and request a hearing, USC 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 ON M4P 1E4  
Attention: Board Secretary  
Email: [Boardsec@oeb.ca](mailto:Boardsec@oeb.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 Ontario Energy Board, 2300 Yonge Street, Toronto, Ontario, on a date to be set by the OEB.

**DATED** at Toronto, September 21, 2017

**ONTARIO ENERGY BOARD**

*Original signed by*

Rosemarie T. Leclair  
Chair and CEO