



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).

PROCEDURAL ORDER NO. 2

September 22, 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).

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.

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

On July 12, 2017, the OEB issued a Notice of Hearing and Procedural Order No. 1 setting September 25, 2017 and September 26, 2017 as the dates for an oral hearing.

On September 20, 2017, Active Energy filed a letter with the OEB which requests, on consent, an adjournment of the oral hearing, and which suggests certain dates in late October and early November. The letter also indicates that a motion may be required to resolve a dispute concerning a request by Active Energy for further information from the Enforcement Team, and suggests that September 26, 2017 (which is currently held for the second day of the hearing on the merits) be reserved for the hearing of that motion. The OEB has not yet received a Notice of Motion.

In the circumstances, the OEB will adjourn the oral hearing to November 9-10, 2017.

The OEB is currently holding the afternoon of September 26, 2017. If Active Energy files a Notice of Motion, the OEB will, after reviewing the filing, make an assessment as to whether the OEB is prepared to proceed with hearing the motion on September 26, 2017 or whether a later date will need to be scheduled.

THE ONTARIO ENERGY BOARD ORDERS THAT:

1. The oral hearing scheduled to commence on September 25, 2017 is adjourned to **9:30 a.m. on November 9, 2017**. If necessary, the oral hearing will continue on **November 10, 2017**. The hearing will take place in the OEB's North Hearing Room at 2300 Yonge Street on the 25th Floor.

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

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ISSUED at Toronto, September 22, 2017

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary