



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. 3

September 25, 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 25-26, 2017 as the dates for an oral hearing. In response to a request filed by Active Energy, the OEB issued Procedural Order No. 2 on September 22, 2017, adjourning the oral hearing to November 9-10, 2017. The Procedural Order also indicated that the OEB would, as suggested by the parties, hold September 26,

2017 for the hearing of a motion that Active Energy had indicated might be necessary.

On September 25, 2017, Active Energy filed a Notice of Motion seeking an OEB order directing the Enforcement Team to respond to interrogatories. The Enforcement Team then filed a letter explaining that the parties have agreed that Active Energy's motion should be heard in October, rather than on September 26, 2017. The letter provided some proposed dates in October.

The OEB has determined that it will hear the motion on October 13, 2017, and that it will require the parties to file their motion materials in accordance with the schedule proposed by the parties.

THE ONTARIO ENERGY BOARD ORDERS THAT:

1. Active Energy's motion will be heard at **10:00 a.m. to 12:00 p.m. on October 13, 2017** in the OEB's North Hearing Room at 2300 Yonge Street on the 25th Floor.
2. Active Energy shall serve and file the materials referred to at the end of its Notice of Motion, and any additional motion materials on which it intends to rely, no later than **October 6, 2017**.
3. The Enforcement Team shall serve and file any responding materials no later than **October 10, 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

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ISSUED at Toronto, September 25, 2017

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary