



EB-2016-0380

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 under section 112.4 of the *Ontario Energy Board Act*,
1998 for Revocation of a Licence against Ensqr Corporation
(Licence Number ES-2012-0461).

PROCEDURAL ORDER NO. 3

October 27, 2017

On February 1, 2017, the Ontario Energy Board (OEB), on its own motion under section 112.2 of the *Ontario Energy Board Act, 1998* (Act), issued a Notice of Intention (Notice of Intention) to make an Order under section 112.4 of the Act to revoke electricity unit sub-metering licence ES-2012-0461 issued to Ensqr Corporation (Ensqr).

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

By way of a letter dated February 14, 2017, Ensqr requested that the OEB hold a hearing in this matter.

Notice of Hearing and Procedural Order No. 1

On April 25, 2017, the OEB issued a combined Notice of Hearing and Procedural Order No. 1, which set the date for the oral hearing. The OEB held an oral hearing on July 13, 2017.

Parties to this Proceeding

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

Interim Decision and Order

On August 17, 2017 the OEB issued its Interim Decision and Order. The Interim Decision and Order stated that the OEB is reserving its final decision in this proceeding until it has more information on the contractual relationship between Ensqr and the building owner of the one location in which Ensqr provides unit sub-metering services.

The Interim Decision and Order ordered that Ensqr do the following:

1. File an update on contractual discussions with the building owner.
2. File an update on its technical ability to comply with sections 5 and 6 of its Unit Sub-Metering Licence (ES-2012-0461), and specifically with regard to its ability to ensure that eligible customers served by Ensqr can be enrolled in the Ontario Electricity Support Program (OESP).
3. Provide the building owner with a copy of the Interim Decision and Order.

Supporting Documentation

On September 15, 2017, Ensqr sent an email to the OEB which provided certain information in response to the OEB's directions set-out in the Interim Decision and Order.

On September 29, 2017, the OEB issued Procedural Order No. 2 which ordered Ensqr to provide certain supporting documentation for its statements in the September 15, 2017 e-mail.

On October 16, 2017, Ensqr provided additional supporting documentation to its statements in the September 15, 2017 e-mail.

The OEB has reviewed the October 16, 2017 documentation and has determined that it does not fully respond to Procedural Order No. 2. Accordingly, the OEB has determined that it will require Ensqr to provide certain supporting documentation and updates for its statements, as set out below.

THE OEB ORDERS THAT:

1. For all information being provided to the OEB in response to this Order, Ensqr must ensure that any information which identifies a customer (including, without limitation, the customer's name, address, and account number) is redacted.
2. Ensqr shall file with the OEB, on or before November 10, 2017, the communication received from ICF which confirms that Ensqr has completed each of the 4 technical milestones necessary to implement the OESP credits.
3. Ensqr shall file with the OEB, on or before November 10, 2017, an update to the number of Ensqr customers who are currently eligible to receive an OESP credit.
4. Ensqr shall file with the OEB, on or before November 10, 2017, the tariff codes received from ICF that indicate the level of credit that each Ensqr customer who is eligible to receive an OESP credit should be receiving. If Ensqr has not received the tariff code direction from ICF for any of its customers, Ensqr must explain how it is determining the amount of OESP credit to provide to each of those customers in respect of whom Ensqr has not received a tariff code.
5. A copy of each of the most current bills (not sample bills) issued to the Ensqr customers identified in item #3, that include the OESP credit.
6. Ensqr shall file with the OEB, on or before November 10, 2017, an update on the Ensqr customers who were eligible for OESP credits prior to the time at which Ensqr began incorporating OESP into the bills. This information should include the number of customers who were eligible for OESP credits:
 - if billed, the number of customers that received the credit;
 - if billed, the amount of the credit given to each customer;
 - if billed, how the amount of the credit was calculated;
 - if billed, the date the credit was provided to the customer; and

- if billed, a copy of the bill showing the credit.

If any of the Ensqr customers has not been billed and/or the OESP credits have not applied to the bills, Ensqr shall provide a statement as to when and how this will occur.

7. Ensqr shall file all requested documentation with the OEB and deliver a copy of all documents filed with the OEB on the OEB Enforcement Team Counsel (Mr. Justin Safeyeni, justins@stockwoods.ca)

Any filings may be made by e-mail to the Board Secretary at Boardsec@oeb.ca rather than through the OEB's web portal.

ISSUED at Toronto, October 27, 2017

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary