



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. 4

January 15, 2018

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.

On October 27, 2017, the OEB issued Procedural Order No. 3 which ordered Ensqr to provide additional supporting documentation and updates for its statements and material delivered in its response to Procedural Order No. 2.

On December 4, 2017, Ensqr filed its response to Procedural Order No. 3, and on December 11, 2017, Ensqr filed an addendum to that response. In response to Ensqr's filing, Counsel to the Enforcement Team filed a letter on December 15, 2017, to address certain aspects of the documentation filed by Ensqr. The OEB has reviewed the filing by Ensqr and the OEB Enforcement Team's response. The OEB will require Ensqr to respond to the OEB Enforcement Team's concerns. Therefore, the OEB

Orders that Ensqr respond to each of the items set out in Appendix A.

If complete and sufficient responses are not provided, the OEB may convene a further oral hearing as a next step.

THE OEB ORDERS THAT:

1. Ensqr shall file with the OEB, on or before **January 29, 2018**, responses to each of the items set out in Appendix A.
2. 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.
3. Ensqr shall file all requested documentation with the OEB and deliver a copy of all documents filed with the OEB to 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, January 15, 2018

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary

Appendix A
Ensqr Corporation
EB-2016-0380
January 15, 2018

1. In its December 4, 2017 response, Ensqr stated that it has completed the enrollment of one customer under the OESP. Ensqr states the customer qualifies under the "T9 Tariff code" and amount of the credit applied is \$75 per month.

The OEB Enforcement Team states that the amount of the tariff that Ensqr identifies is incorrect and does not correspond with the appropriate tariff code. Furthermore, the OEB Enforcement team states that the date of the invoice that Ensqr provided as evidence that it is applying the OESP benefit to the customer, is dated two days prior to when Ensqr would have received the proper information necessary to apply the benefit.

The OEB directs Ensqr to respond to these concerns. This response must include:

- a) A statement as to whether Ensqr believes it has identified the proper tariff code for this customer and is applying the correct credit amount. And if so, why it believes this is accurate.
 - b) Ensqr shall provide a copy of the communication from ICF in which ICF informed Ensqr regarding 1) the tariff code for this customer and 2) the amount of the tariff to be applied. The copy of this communication must include evidence of the date it was received by Ensqr.
 - c) If the date Ensqr received this communication is later than November 15, 2017, (the date the bill was printed), Ensqr must explain how it could have prepared this bill without the information from ICF.
2. In its December 4, 2017 response, Ensqr has indicated that it is applying a \$30 per month "OESP credit" to nine customers.

The OEB Enforcement Team states that this \$30 per month credit is not an actual OESP credit and does not correspond to any existing tariff code. In addition, the Enforcement Team indicates that these customers have not yet been deemed eligible to receive any OESP credit.

The OEB directs Ensqr to respond to these concerns. This response must include:

- a) Confirmation of whether Ensqr knows these nine customers have been deemed eligible by ICF or some other party to receive the OESP credit.
 - b) If these customers have not been confirmed as eligible for the OESP credit, an explanation as to why is Ensqr providing a \$30 per month credit.
 - c) Clarification as to whether Ensqr is actually issuing bills and expecting payment from these customers based on this \$30 credit. If so, Ensqr must provide the number of months and time period for which it has been issuing bills and expecting payment from these customers.
 - d) Ensqr shall indicate how it plans to deal with any amounts it claims are owed by these customers, if it is determined either that they do not qualify for the OESP credit, or that the OESP credit is a different amount than the \$30 a month Ensqr is currently applying.
3. The OEB Enforcement Team stated that two new applications for OESP eligibility were received on December 4 and 11, 2017, and were submitted to Ensqr for confirmation on December 5, 2017 and December 12, 2017, respectively. The OEB Enforcement Team states that as of the date of their letter (December 15, 2017), Ensqr had taken no actions to advance the processing of these applications.

The OEB directs Ensqr to respond to these concerns. This response must include information on:

- a) Whether Ensqr has responded to ICF's request for confirmation of these customers, and if not, the reason(s) for why it has not.
- b) Whether these customers have been confirmed as qualifying for the OESP. If so, Ensqr shall provide the tariff code that they were assigned and Ensqr shall indicate how much the credit be and when will they start receiving the credit.
- c) Whether either or both of these two customers is/are among the nine customers on whose bills Ensqr has been applying a \$30 "OESP credit".