



EB-2009-0048

IN THE MATTER OF the *Ontario Energy Board Act*,
1998, S.O.1998, c.15, Schedule B;

AND IN THE MATTER OF an application by The
Corporation of the City of Kitchener - Utilities Division
for a Gas Marketer licence.

By delegation, before: Jennifer Lea

DECISION AND ORDER

The Corporation of the City of Kitchener - Utilities Division filed an application dated February 5, 2009 with the Ontario Energy Board under section 50 of the *Ontario Energy Board Act, 1998* for a Gas Marketer licence.

The Board's Notice of Application and Written Hearing for a Gas Marketer licence was published on March 31, 2009. No parties responded to the Notice of Application and Written Hearing.

After considering the application, it has been found to be in the public interest to issue the Gas Marketer licence under Part IV of the Act.

IT IS THEREFORE ORDERED THAT:

The application for a Gas Marketer licence is granted, on such conditions as are contained in the attached licence.

DATED at Toronto, May 15, 2009.

ONTARIO ENERGY BOARD

Original signed by

Jennifer Lea
Counsel, Special Projects



Gas Marketer Licence

GM-2009-0048

The Corporation of the City of Kitchener

Valid Until

May 14, 2014

Original signed by

Jennifer Lea
Counsel, Special Projects
Ontario Energy Board
Date of Issuance: May 15, 2009

Ontario Energy Board
P.O. Box 2319
2300 Yonge Street
27th. Floor
Toronto, ON M4P 1E4

Commission de l'Énergie de l'Ontario
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1 Definitions

In this Licence:

"**Act**" means the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, Schedule B;

"**low-volume consumer**" means a person who annually uses less than 50,000 cubic meters of gas;

"**Licensee**" means The Corporation of the City of Kitchener;

"**regulation**" means a regulation made under the Act.

2 Interpretation

- 2.1 In this Licence, words and phrases shall have the meaning ascribed to them in the Act. Words or phrases importing the singular shall include the plural and vice versa. Headings are for convenience only and shall not affect the interpretation of this Licence. Any reference to a document or a provision of a document includes an amendment or supplement to, or a replacement of, that document or that provision of that document. In the computation of time under this Licence, where there is a reference to a number of days between two events, they shall be counted by excluding the day on which the first event happens and including the day on which the second event happens. Where the time for doing an act expires on a holiday, the act may be done on the next day that is not a holiday.

3 Authorization

- 3.1 The Licensee is authorized, under Part IV of the Act, and subject to the terms and conditions set out in this Licence:
- a) to sell or offer to sell gas to a low-volume consumer;
 - b) to act as the agent or broker for seller of gas to a low-volume consumer; and
 - c) to act or offer to act as the agent or broker of a low-volume consumer in the purchase of gas.
- 3.2 The Licensee is authorized to conduct business in the name under which this Licence is issued, or any trade name(s) listed in Schedule 1.

4 Obligation to Comply with Legislation and Regulations

- 4.1 The Licensee shall comply with all applicable provisions of the Act and regulations under the Act except where the Licensee has been exempted from such compliance by regulation.

5 Obligation to Comply with Codes

- 5.1 The Licensee shall at all times comply with all applicable provisions of the Code of Conduct for Gas Marketers, as issued and amended by the Board from time to time under Part III of the Act.
- 5.2 This Licensee shall:
- a) make a copy of the Code available for inspection by members of the public at its head office and regional offices during normal business hours; and
 - b) provide a copy of the Code to any person who requests it. The Licensee may impose a fair and reasonable charge for the cost of providing copies.

6 Agent for Service

- 6.1 If the Licensee does not have an office or other place of business in Ontario, the Licensee shall ensure the continuing appointment at all times of an individual who is a resident of Ontario and is at least 18 years old, or a corporation that has its head office or registered office in Ontario, as the Licensee's agent for service in Ontario on whom service of process, notices or other documentation may be made.

7 Provision of Information to the Board

- 7.1 The Licensee shall maintain records of and provide, in the manner and form determined by the Board, such information as the Board may require from time to time.
- 7.2 Without limiting the generality of paragraph 7.1, the Licensee shall notify the Board of any material change in circumstances that adversely affects or is likely to adversely affect the business, operations or assets of the Licensee as soon as practicable, but in any event no more than twenty (20) days past the date upon which such change occurs.

8 Customer Complaint and Dispute Resolution

- 8.1 The Licensee shall participate in a consumer complaints resolution process selected by the Board.

9 Term of Licence

- 9.1 This Licence shall take effect on May 15, 2009 and expire on May 14, 2014. The term of this Licence may be extended by the Board.

10 Fees and Assessments

- 10.1 The Licensee shall pay all fees charged and amounts assessed by the Board.

11 Communication

- 11.1 The Licensee shall designate a person that will act as a primary contact with the Board on matters related to this Licence. The Licensee shall notify the Board promptly should the contact details change.

- 11.2 All official communication relating to this Licence shall be in writing.
- 11.3 All written communication is to be regarded as having been given by the sender and received by the addressee:
- a) when delivered in person to the addressee by hand, by registered mail, or by courier;
 - b) ten (10) business days after the date of posting, if the communication is sent by regular mail; or
 - c) when received by facsimile transmission by the addressee, according to the sender's transmission report.

12 Copies of the Licence

- 12.1 The Licensee shall:
- a) make a copy of this Licence available for inspection by members of the public at its head office and regional offices during normal business hours; and
 - b) provide a copy of this Licence to any person who requests it. The Licensee may impose a fair and reasonable charge for the cost of providing copies.

SCHEDULE 1 AUTHORIZED TRADE NAMES

Kitchener Utilities

SCHEDULE 2

LIST OF EXEMPTIONS FROM THE CODE OF CONDUCT FOR GAS MARKETERS

1. Section 2.1(a) and 2.2 (Requirements of fair marketing practices by providing a consumer with gas marketer salesperson's name, informing consumer that the contract offered is not the consumer's local gas distributor, and informing the customer of the existing contract (if the remaining term of the contract is greater than 120 days), its price, remaining term and the existing contract and that the contract will be amended, revoked or replaced if the customer reaffirms the new contract).
2. Section 2.3; and 2.4; (Requirements of transfer requests).
3. Section 2.5; and 2.6; (Requirements of contracts).
4. Section 2.7; (Requirements of contract renewal).
5. Section 3.1 and 3.2 (Consumer complaints).
6. Section 4.2; (Information to be maintained by gas marketer).
7. Section 6.1; 6.2; and 6.3 (Transfer and assignment of contracts).

SCHEDULE 3
LIST OF EXEMPTIONS FROM THE NATURAL GAS REPORTING AND RECORD KEEPING
REQUIREMENTS

The Licensee is exempt from the following:

1. Section 2.1.
2. Sections 2.2.2(a) through (f).
3. Section 2.2.3.
4. Section 2.2.4.