



**EB-2009-0188**

**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 Energhx  
Green Energy Corporation for a Gas Marketer  
licence.

By delegation, before: Jennifer Lea

### **DECISION AND ORDER**

Energhx Green Energy Corporation filed an application dated June 22, 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 posted on August 27, 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. The standard term for a licence is five years. I am issuing this licence for a term of one year. The financial information provided as part of the application gave rise to concerns about the applicant's ability to finance the business. However, the applicant's business, according to the application, is focused on providing energy audits, alternative energy solutions and demand management. One of the objectives of the Ontario Energy Board in relation to natural gas is the promotion of energy conservation and energy efficiency, and barriers to marketing energy conservation services should be minimized where appropriate. As a new entrant to the market, the applicant can take the opportunity to improve its financial situation and bring evidence of that improvement in any licence renewal application it chooses to make at the end of the licence term.

As noted above, the applicant plans to offer a variety of services to gas consumers. This licence relates only to gas marketing, and to no other services that may be provided by the applicant. Licensees must familiarize themselves with the Board's Gas Marketers Code of Conduct which protects consumers from misrepresentation. The licensee must not suggest to consumers that Energhx is authorized by this Board under this licence to provide any energy services other than gas marketing.

**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, October 22, 2009.

ONTARIO ENERGY BOARD

*Original signed by*

Jennifer Lea  
Counsel, Special Projects



## **Gas Marketer Licence**

**GM-2009-0188**

**Energhx Green Energy Corporation**

**Valid Until**

**October 21, 2010**

*Original signed by*

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**Jennifer Lea**  
**Counsel, Special Projects**  
**Ontario Energy Board**  
**Date of Issuance: October 22, 2009**

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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 Energhx Green Energy Corporation;

"**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 October 22, 2009 and expire on October 20, 2010. 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**

1. Energhx