

**Ontario Energy
Board**
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**Commission de l'énergie
de l'Ontario**
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June 25, 2010

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

Dear Ms. Walli:

**Re: Notice of Intention to Make an Order for Compliance, Suspension
and an Administrative Penalty under s. 112.3, 112.4 and 112.5 of the *Ontario
Energy Board Act, 1998***

EB-2010-0221

We have reviewed the recent correspondence filed with the Board Secretary's office from Marc Mercier, counsel for Summitt Energy Management. We understand from his letter that Summitt is requesting an extension of time to the fifteen day period, as set out in section 112.2(4) of the *Ontario Energy Board Act, 1998*. This section specifically provides that a person to whom notice is given may, within 15 days after receiving the notice, give notice to the Board requiring the Board to hold a hearing. If no notice is given during this time the Board may then make an order.

In light of the circumstances set out in Mr. Mercier's letter we are not opposed to a short extension of time to request a hearing if we can be assured that there is no risk to the public in the interim.

In accordance with paragraph 4 of the Interim Order for Compliance we ask that Summitt be ordered to provide the Board with a written assurance by June 30, 2010 describing in detail the steps it has taken to date and those that it will be taking to ensure its sales agents are acting in compliance with their legal and regulatory

obligations as set out in sections 88.4 (2)(c) and 88.4 (3)(c) of the Act and section 2.1 of the Code of Conduct for Gas Marketers and the Electricity Retailers Code of Conduct.

It is expected that these steps will address issues of sales verification, consumer complaint reporting, tracking agent complaints and solicitation procedures and performance. With respect to the sales verification process it is our position that Summitt should be ordered to ensure that the following matters are made clear to consumers in the sales verification process:

- a. Summitt is a retailer and marketer and not the utility;
- b. The customer does not have to sign to receive supply;
- c. The customer must understand the price and term of the contract they are signing;
- d. There is no guarantee of savings;
- e. The customer must understand that she or he will still get a reaffirmation call to confirm their intent to enter into a contract and can still cancel at that point,
- f. The customer should confirm that he or she has a copy of the contract (including the terms and conditions); and,
- g. The customer must understand that she or he signed for either gas and electricity or both.

Yours truly,

Maureen Helt
Legal Counsel
c.c. Marc Mercier, Counsel for Summitt