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March 17, 2011

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

Re: EB-2010-0335, Blue Power Distributed Energy Corporation Application for an Electricity Retailer Licence

Dear Ms. Walli:

Bluewater Power Distribution Corporation (“Bluewater Power”) would like to provide a submission on the application of Blue Power Distributed Energy Corporation (“Blue Power”) for a renewal of their electricity retail licence.

Bluewater Power has serious concerns with an electricity retailer operating in our licensed service territory under the name “Blue Power Distributed Energy Corp.” Customers deserve to know that retailers are not affiliated with a distributor and retailers are under an obligation under Section 1.1(a) of the Electricity Retailer Code of Conduct, restated November 17, 2010 to ensure that customers understand that they are not the licensed distributor.

1.1 A retailer or salesperson of a retailer, when retailing to a consumer, shall:

(a) immediately and truthfully give the name of the salesperson and the retailer to the consumer, and state that the retailer is not the consumer’s electricity distributor and is not associated with the Ontario Energy Board or the Government of Ontario;

Our submission is that the similarity in names creates an implicit assumption in the minds of customers that the retailer is the distributor. The OEB is aware through other proceedings considered by the Board that retailers do breach the Electricity Retailer Code of Conduct. In making this submission, we are not suggesting that this retailer has misrepresented itself or that it will misrepresent itself in the future. Our submission is that the similarity of the names creates an undue barrier to make that communication clear to the customer.

That customer confusion is significantly increased by the similarity of the logo for this retailer and our own logo. Those logos are reproduced below for the convenience of the OEB and the similarities in colors and graphics speak for themselves.



Bluewater Power submits that Blue Power should not be granted a renewal of its retailer licence, except on the condition that it change its name and logo to avoid customer confusion. In the alternative, we would not object to the retailers request for a renewal of its licence provided that licence territory excludes that portion of the province represented by the distribution franchise of Bluewater Power.

The foregoing is submitted for the Board's consideration and if you require anything further please do not hesitate to contact the undersigned.

Sincerely,

A handwritten signature in blue ink that reads "L. Dugas".

Leslie Dugas
Manager of Regulatory Affairs
Bluewater Power Distribution Corporation
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Email: ldugas@bluewaterpower.com

Cc: Blue Power Distributed Energy Corporation
Attn: Mr. John Nassar (via email)