



EB-2011-0311

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 112.2 of the *Ontario Energy Board Act*,
1998 for Compliance, Suspension and an Administrative
Penalty against Energhx Green Energy Corporation.

PROCEDURAL ORDER NO. 2

On August 25, 2011 the Ontario Energy Board (the “Board”), on its own motion under section 112.2 of the *Ontario Energy Board Act, 1998* (the “Act”) issued a Notice of Intention to Make an Order (the “Notice”) against Energhx Green Energy Corporation (“Energhx”).

The Notice provides that the Board intends to make an Order, under section 112.2 of the Act, requiring Energhx to comply with certain enforceable provisions of the Act and to pay an administrative penalty in the amount of \$32,500 for breaches of those enforceable provisions; and, under section 112.4 of the Act, to suspend Energhx’s activities with respect to sales, renewals, extensions or amendments of contracts using the following channels: Door-to Door, Exhibitions, Trade Shows and Direct Mail. The Notice also provides that the suspension would remain in effect until Energhx can satisfy the Board that the particulars of non-compliance identified in the Notice are remedied or Energhx confirms that it is no longer engaged in these activities using the above mentioned sales channels.

The Notice describes the allegations of non-compliance as follows:

Energhx has contravened sections of Ontario Regulation 90/99, Ontario Regulation 389/10, section 12 of the Energy Consumer Protection Act, 2010, the Electricity Retailer Code of Conduct and the Code of Conduct for Gas Marketers.

The details in support of the allegations are set out in the Notice.

The Notice stated that Energhx may request, within fifteen days after receiving the Notice, that the Board hold a hearing on these matters. On September 9, 2011, Energhx filed a letter with the Board requesting a hearing on the matter. The Board has determined that it will proceed with this matter by way of oral hearing. Energhx is entitled to be present at the hearing with or without counsel and to adduce evidence and make submissions. Should Energhx fail to attend, the hearing may be conducted in its absence and Energhx will not be entitled to any further notice in the proceeding.

On November 11, 2011, the Board issued Notice of Hearing and Procedural Order number 1 setting January 23, 2012 and January 24, 2012 as dates for an oral hearing.

On January 18, 2012, Compliance counsel requested adjournment of this proceeding to a later date due to the availability of its main witness. The Board approves the request to adjourn this matter to a later date.

The Board considers it necessary to make provision for the following procedural matters. Please note that this Procedural Order may be amended, and further procedural orders may be issued from time to time.

THE BOARD ORDERS THAT:

1. An oral hearing will be held in the Board's North Hearing room beginning at 9:30 a.m. on February 7, 2012 at 2300 Yonge Street, 25th Floor, Toronto and, if needed, may continue February 8, 2012 at 1:00pm.
2. All filings to the Board must quote file number EB-2011-0311, be made through the Board's web portal at www.errr.ontarioenergyboard.ca and consist of two paper copies and one electronic copy in searchable / unrestricted PDF format.

Filings must clearly state the sender's name, postal address and telephone number, fax number and e-mail address. Please use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at www.ontarioenergyboard.ca. If the web portal is not available you may email your document to the BoardSec@ontarioenergyboard.ca. Those who do not have internet access are required to submit all filings on a CD in PDF format, along with two paper copies. Those who do not have computer access are required to file seven paper copies. If you have submitted through the Board's web portal an e-mail is not required.

3. All communications should be directed to the attention of the Board Secretary at the address below, and be received no later than 4:45 p.m. on the required date.

ADDRESS

Ontario Energy Board
P.O. Box 2319
2300 Yonge Street, 27th Floor
Toronto ON M4P1E4
Attention: Board Secretary

Tel: 1-877-632-2727 (toll free)
Fax: 416-440-7656
E-mail: Boardsec@ontarioenergyboard.ca

ISSUED at Toronto, January 20, 2012

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary