



**EB-2012-0368**

**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 2001  
RBCP Canadian GP Limited as a general partner of  
RBC Energy Services L.P. for a Gas Marketer  
licence.

**By delegation, before:** Theodore Antonopoulos

## **DECISION AND ORDER**

**November 29, 2012**

2001 RBCP Canadian GP Limited as a general partner of RBC Energy Services L.P. ("RBC") filed an application dated September 10, 2012 with the Ontario Energy Board under section 60 of the *Ontario Energy Board Act, 1998* for renewal of its Gas Marketer licence.

The Board's Notice of Application and Written Hearing was published on October 4, 2012. On October 25, 2012 Board staff filed a submission on the application. In its submission, Board staff stated it did not have concerns with licensing the applicant. However, Board staff indicated that despite RBC's stated intention to market to large volume consumers only, the granting of a gas marketer licence would enable the applicant to market natural gas to low volume consumers. Board staff noted that licensed electricity retailers and licensed gas marketers may not enter into, renew, amend or extend the term of a contract with a low volume consumer until such time as the marketer or retailer has filed with the Board a Certificate of Compliance in the required form and has received from the Board written acknowledgement of it. Board

staff requested that the applicant should confirm its knowledge of the obligation to file a Certificate of Compliance as well as compliance with all relevant codes, regulations, and reporting requirements.

On November 1, 2012 RBC responded to Board staff's submission and confirmed its knowledge of the obligation to file a Certificate of Compliance if it intends to market natural gas to low-volume consumers in the future, and its compliance with all relevant codes, regulations and reporting requirements.

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. While it is generally not the Board's practice to grant licences which the applicant has indicated may remain inactive, I accept RBC's reasons for applying for the gas marketer licence as a precautionary measure. I note that RBC has marketed to low volume consumers in the past and the granting of a renewed licence will enable them to serve low volume consumers going forward whether it be new targeted low volume customers or existing high volume customers whose consumption has dropped below the low volume threshold.

**IT IS THEREFORE ORDERED THAT:**

1. The application for a Gas Marketer licence is granted:
  - a. On such conditions as are contained in the attached licence; and,
  - b. On the condition that should consumption of an RBC customer fall within the low volume threshold at any time during the term of the licence, RBC will forthwith file a Certificate of Compliance with the Board.

**DATED** at Toronto, November 29, 2012.

**ONTARIO ENERGY BOARD**

*Original Signed By*

Theodore Antonopoulos  
Manager, Electricity Rates



## **Gas Marketer Licence**

**GM-2012-0368**

**2001 RBCP Canadian GP Limited as a  
general partner of RBC Energy Services L.P.**

**Valid Until**

**November 28, 2017**

*Original Signed By*

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**Theodore Antonopoulos  
Manager, Electricity Rates  
Ontario Energy Board  
Date of Issuance: November 29, 2012**

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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 2001 RBCP Canadian GP Limited as a general partner of RBC Energy Services L.P.;

**'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 November 29, 2012 and expire on November 28, 2017. 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. RBC Energy Services LP