



EB-2012-0448

IN THE MATTER OF the *Ontario Energy Board Act*,
1998, S.O. 1998, c. 15, Schedule B;

AND IN THE MATTER OF an interim licence request
under section 21(7) of the Act by Superior Plus LP for
a Gas Marketer Licence

By delegation, before: Jennifer Lea

INTERIM DECISION AND ORDER

On November 26, 2012 Superior Plus LP ("Superior LP") filed an application for a Gas Marketer licence under section 50 of the *Ontario Energy Board Act, 1998* (the "Act"). Superior LP has requested the interim licence as the prior Gas Marketer licence GM-2007-0621 expired on September 16, 2012 and Superior LP is still carrying on business as a gas marketer in Ontario. Superior LP requested that the name to appear on the licence be Superior Energy Management, a division of Superior Plus LP.

As prescribed under section 48 of the Act, all entities carrying on business as a gas marketer in Ontario are required to hold a licence from the Board. The applicant is requesting an interim licence to allow it to continue to market natural gas in Ontario and remain in compliance with the Board's rules and regulations.

Considering the time required to process an application in accordance with the Board's established practice and procedures and the actions taken by the applicant to address them, it has been found to be in the public interest to issue an interim order under sections 21(4)(b) and 21(7) of the Act granting a short-term gas marketer licence to the applicant until the Board issues a final decision on that application. Consistent with the decision dated September 17, 2007 granting licence GM-2007-0621, this interim licence must be used for legacy contracts only and the applicant should not enter into new contracts under the authority of this interim licence.

The issuance of this licence is an interim step and no final decision on the future application has been made, and the granting of this interim licence is not an indication that a long-term licence will be granted.

IT IS THEREFORE ORDERED THAT:

1. A gas marketer licence is granted to Superior Plus LP on such conditions as is contained in the attached licence.
2. The licence will be valid for a period of five months from the date the application was filed or until the Board makes a final decision on the pending gas marketer licence application, whichever is earlier.

DATED at Toronto, December 13, 2012

ONTARIO ENERGY BOARD

Original signed by

Jennifer Lea
Counsel, Special Projects



Gas Marketer Licence

GM-2012-0448

Superior Plus LP

Valid Until

April 25, 2013

Original signed by

Jennifer Lea
Counsel, Special Projects
Ontario Energy Board
Date of Issuance: November 26, 2012

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

Commission de l'énergie de l'Ontario
C.P. 2319
2300, rue Yonge
27e étage
Toronto ON M4P 1E4

Table of Contents		Page No.
1	Definitions	1
2	Interpretation	1
3	Authorization	1
4	Obligation to Comply with Legislation and Regulations.....	1
5	Obligation to Comply with Codes.....	2
6	Agent for Service.....	2
7	Provision of Information to the Board.....	2
8	Customer Complaint and Dispute Resolution.....	2
9	Term of Licence	2
10	Fees and Assessments.....	2
11	Communication	2
12	Copies of the Licence.....	3
SCHEDULE 1 AUTHORIZED TRADE NAMES.....		4
SCHEDULE 2 SPECIAL CONDITIONS		5

1 Definitions

In this Licence:

"**Act**" means the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, Schedule B;

"**ECPA**" means the *Energy Consumer Protection Act, 2010*, S.O. 2010, c. 8;

"**low-volume consumer**" means a person who annually uses less than 50,000 cubic meters of gas;

"**Licensee**" means Superior Plus LP;

"**Regulation**" means regulations made under the Act or the ECPA.

2 Interpretation

- 2.1 In this Licence, words and phrases shall have the meaning ascribed to them in the Act or the ECPA. 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, the ECPA and the Regulations 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 26, 2012 and expire on April 25, 2013. 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. Superior Energy
2. Superior Energy Management

SCHEDULE 2 SPECIAL CONDITIONS

NONE