



EB-2012-0435

NOTICE OF APPLICATION AND HEARING

Application by Just Energy Ontario L.P. for Licences Amendment to Reflect an Exemption from Sections 4.11(b), 4.14(a), 4.14(b) of the Code of Conduct for Gas Marketers and Sections 4.11(b), 4.14(a), 4.14(b) of the Code of Conduct for Electricity Retailers

Just Energy Ontario L.P. ("Just Energy") filed an application dated December 18, 2012 with the Ontario Energy Board (the "Board") pursuant to sections 52 and 74 of the *Ontario Energy Board Act, 1998* to amend its gas marketer licence GM-2010-0152 and electricity retailer licence ER-2010-0153. The amendments relate to a request for exemption from section 5.1 of Just Energy's gas marketer licence and section 5.1(a) of its electricity retailer licence as these sections relate to compliance with sections 4.11(b), 4.14(a) and 4.14(b) of the Code of Conduct for Gas Marketers and Code of Conduct for Electricity Retailers (collectively, "the Codes").

Exemption Request from sections 5.1 of Just Energy's Gas Marketer Licence

Section 5.1 of its Gas Marketer Licence states that:

"The Licensee shall at all times comply with all applicable provisions of the Code of Conduct for Gas Marketers..."

Exemption request from section 5.1(a) of Just Energy's Electricity Retailer Licence

Section 5.1(a) of its Electricity Retailer Licence states that:

"The Licensee shall at all times comply with the following Codes...except where the Licensee has been specifically exempted from such compliance by the Board:

a) The Electricity Retailer Code of Conduct..."

Just Energy requests an amendment to its licences such that it will not have to comply with sections 4.11(b), 4.14(a) and 4.14(b) of the Codes, which state:

“...the verification representative shall not deviate from the **applicable Board-approved script** except to comply with paragraph (e), to provide a factual answer to a question from the consumer or to provide a factual clarification...”
(Section 4.11(b))

“...the salesperson shall ensure that the [renewal] call includes all of the statements and questions set out in the **applicable script approved for that purpose by the Board...**” (Section 4.14(a))

“...the salesperson shall not make any representation that is inconsistent with or contrary to any of the statements or questions set out in the **applicable Board-approved script...**” (Section 4.14(b))

One of the statements in the Board approved verification script for new contracts and for renewal of existing contracts reads that the customer “...should be aware that energy cost savings under the contract are not guaranteed.”

Just Energy, in seeking the amendments, states that it has developed a 5 year agreement for the purchase of commodity which does guarantee consumers cost savings under certain conditions. Accordingly, Just Energy is seeking exemptions from certain requirements of its licences.

Just Energy requested that the Board dispose of this proceeding without a hearing pursuant to section 21(4)(b) of the Act. However the Board is not satisfied that no person, other than Just Energy will be adversely affected in any material way by the outcome of the proceeding and therefore will dispose of the proceeding by way of a hearing.

How to see Just Energy Ontario L.P.’s Application

Copies of the application are available for inspection at the Board’s office in Toronto and on its website, www.ontarioenergyboard.ca/OEB/Industry, and at Just Energy’s office and may be on its website.

Written Hearing

The Board intends to proceed with this matter by way of a written hearing unless a party satisfies the Board that there is a good reason for not holding a written hearing. If you object to the Board holding a written hearing in this matter, you must provide written reasons why an oral hearing is necessary. Any submissions objecting to a written hearing must be received by the Board and copied to the applicant within **10 days** of the issuance of this notice.

How to Participate

Comment

If you wish to give your opinion on the proceeding to the Board Members hearing the application, you are invited to send a written letter of comment to the Board no later than **30 days** after the publication or service date of this notice. A complete copy of your letter of comment, including your name, contact information, and the content of the letter, will be provided to the applicant and the Hearing Panel.

Observe

If you do not wish to actively participate in the proceeding but you do wish to receive documents issued by the Board, you may request observer status. Your written request must be received by the Board no later than **10 days** from the publication or service date of this notice.

Personal Information in Letters of Comment and Observer Requests

All letters of comment or letters requesting observer status will be placed on the public record, which means that the letters can be seen at the Board's office and will be available on the Board's website. Before placing the letters on the public record, the Board will remove any personal (i.e. not business) contact information from the letters (i.e. the address, fax number, phone number, and e-mail address of the individual). However, the name of the individual and the content of the letter will become part of the public record. Please address your letter to the Board Secretary at the address below, and reference file number EB-2012-0435 at the top of your letter.

Intervene

If you wish to actively participate in the proceeding (e.g., submit questions, file

argument), you may request intervenor status from the Board no later than **10 days** after the publication or service date of this notice. Instructions for requesting intervenor status are available on the Board's website at www.ontarioenergyboard.ca/participate. Everything an intervenor files with the Board, including the intervenor's name and contact information, will be placed on the public record, which can be seen at the Board's office and will be available on the Board's website.

If you do not have internet access, please call 1-877-632-2727 to receive information about this proceeding and how to participate.

Interrogatories and Submissions

Board-approved intervenors or Board staff wishing information and material from Just Energy that is in addition to the evidence filed with the Board and that is relevant to the hearing shall request it by written interrogatories filed with the Board and delivered to Just Energy on or before **April 16, 2012**. Just Energy shall file with the Board complete responses to the interrogatories and deliver them to all intervenors no later than **April 30, 2013**.

Anyone who wishes to make a submission on the applications must file that written submission with the Board and deliver it to the applicant by **May 14, 2013**. If the applicant wishes to respond to the submission(s), the written response must be filed with the Board and delivered to all parties who made submission by **May 24, 2013**. All written submissions will be available for viewing at the Board's offices and will be placed on the Board's website.

How to Contact Us

In responding to this notice, please reference Board file number EB-2012-0435 in the subject line of your e-mail or at the top of your letter. It is also important that you provide your name, postal address and telephone number and, if available, an e-mail address and fax number. 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.

IMPORTANT

IF YOU DO NOT FILE AN OBJECTION TO A WRITTEN HEARING OR DO NOT PARTICIPATE IN THE HEARING BY FILING A LETTER IN ACCORDANCE WITH THIS NOTICE, THE BOARD MAY PROCEED WITHOUT YOUR PARTICIPATION AND YOU WILL NOT BE ENTITLED TO FURTHER NOTICE IN THIS PROCEEDING.

Addresses

The Board:

Ontario Energy Board
P.O. Box 2319
27th Floor
2300 Yonge Street
Toronto ON M4P 1E4
Attention: Board Secretary
Filings:
<https://www.pes.ontarioenergyboard.ca/eservice>

E-mail: boardsec@ontarioenergyboard.ca
Tel: 1-888-632-6273 (Toll free)
Fax: 416-440-7656

The Applicant:

Just Energy Ontario L.P.
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Attention: Ms. Nola L. Ruzyski

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Fax: +1 (905) 564-6069

DATED at Toronto, March 13, 2013

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary