



Friday, August 30, 2013

By E-mail

boardsec@ontarioenergyboard.ca

EB-2011-0311

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

Dear Ms Kirsten Walli:

Re: Request for additional time to pay the Administrative Penalty
Board File No. EB-2011-0311

The Decision and Order of the Ontario Energy Board (the "Board") on July 18, 2013 in response to Energhx Green Energy Corporation ("Energhx") request for additional time to pay the administrative penalty of \$10,000 by December 31, 2013 was received. Although this decision of the Board granted Energhx an extension up to August 29, 2013 instead of the requested December 31, 2013, the spirit of grace exhibited by the Board is exemplary and highly motivational.

However, it is now obvious that Energhx still have not been able to come out of the mould. Nevertheless, we would like to strongly state our interest to retain our licences without any violation to their regulatory requirements.

The following are the review of our previous submission to the Board and the possible update of our engagements and submissions:

Review of Previous Submission of Constraints

1. Prior to April 30, 2012, and precisely in September, 2011, Energhx have voluntarily suspended all its marketing activities, including the training of its sales associates in order to ensure full compliance with all the allegations issued by the Board in its notice of September 9, 2011¹.
 - *The voluntary suspension is still in effect, since the development of the online marketing offering and other branding projects are on-going. The Board's*

¹ Transcript, Energhx Green Energy Corp Oral Hearing Vol. 1, EB-2011-0311

intention to initiate steps to suspend our licences is welcomed, only if additional constraints to our ongoing struggle to secure a financial bail-out is not hampered.

2. On March 26, 2012, Energhx have filed with the Board certificates of compliance (including the development of its online marketing strategies) and have obtained written acknowledgement of such certificates.
 - *The development of the online marketing offering and other branding projects are on-going. Deployment of new look-and-feel is being released in phases.*
 - *Although the sign-up procedure is presently visible online (<http://energhx.com/signupProductinfo.php>), the service is not available for sign-up yet because the monitoring of customer's data have not been developed.*
3. Since the development and the review of all of its marketing channels have not been completed, Energhx has not entered into a new contract, renew, amend, or extend any contract since the commencement of the stated self-suspension.
 - *Although significant developmental milestones have been covered, the project development is still on-going.*

Energhx is sincerely grateful for the generous consideration of the Board and its commitment to the Energy Competition Act, 1998, while delivering its regulatory mandate in the Ontario's energy market in the public interest.

Therefore, Energhx pray that the Board will proceed with its proposed suspension intention with graceful opportunity for us to recover, and waive every tendency of increasing our financial burden. Invariably, we will like to: a) retain the supply privilege to the six (6) electricity accounts being served with the electricity licence; b) retain our service agreements with distributors who presently have agreement with us; and c) only be constrained from using the licences to negotiate new contracts.

We strongly hope to pay this administrative penalty before the expiration of our licences.

Sincerely,



Emmanuel O.B Ogedengbe
Consultant & CEO