

**Ontario Energy
Board**
P.O. Box 2319
27th Floor
2300 Yonge Street
Toronto ON M4P 1E4
Telephone: 416- 481-1967
Facsimile: 416- 440-7656
Toll free: 1-888-632-6273

**Commission de l'énergie
de l'Ontario**
C.P. 2319
27e étage
2300, rue Yonge
Toronto ON M4P 1E4
Téléphone; 416- 481-1967
Télécopieur: 416- 440-7656
Numéro sans frais: 1-888-632-6273



BY EMAIL

March 26, 2014

Kirsten Walli
Board Secretary
Ontario Energy Board
2300 Yonge Street, 27th Floor
Toronto ON M4P 1E4

Dear Ms. Walli:

**Re: Board Staff Submission
Electricity Retailer Licence Application EB-2013-0418
SaversEnergy Inc.**

In accordance with the Notice of Application and Written Hearing, please find enclosed Board Staff Submission filed in the above mentioned proceeding.

Yours truly,

Original signed by

Irina Kuznetsova
Case Manager

Attachment

Board Staff Submission

SaversEnergy Inc.

(“SaversEnergy”)

**Electricity Retailer Licence Application
EB-2013-0418**

March 26, 2014

THE APPLICATION

On January 21, 2014 SaversEnergy Inc. ("SaversEnergy") filed a completed application with the Ontario Energy Board under section 60 of the *Ontario Energy Board Act, 1998* (the "Act") for an electricity retailer licence.

On February 6, 2014, the Board issued a Notice of Application and Written Hearing (the "Notice") which included dates for filing of interrogatories and submissions. No parties responded to the Notice. In accordance with the timelines set out in the Notice, on February 28, 2014 Board staff filed interrogatories on the licence application in order to gather additional information required for the Board's final determination of the licence application. On March 11, 2014 SaversEnergy filed responses to Board staff interrogatories.

The applicant was incorporated on August 2, 2013 and intends to retail electricity to low-volume residential and commercial customers in Ontario.

STAFF SUBMISSION

Analysis

In order to obtain a Board licence to retail electricity, an applicant must establish that it meets the minimum requirements set out in the O. Reg. 90/99 "Licence Requirements – Electricity Retailers and Gas Marketers" made under the Act:

1. Having regard to the financial position of the applicant, the applicant can reasonably be expected to be financially responsible in the conduct of business.
2. The past conduct of the applicant affords reasonable grounds for belief that the applicant will carry on business in accordance with law and with integrity and honesty.
3. If the applicant is a corporation, the past conduct of its officers and directors affords reasonable grounds for belief that its business will be carried on in accordance with law and with integrity and honesty.

4. The applicant is not carrying on activities that are, or will be, if the applicant is licensed, in contravention of the OEB Act or the regulations or the codes, orders or rules issued or made by the Board.

In reviewing the application, Board staff has considered SaversEnergy's financial position, an understanding of its legal and regulatory obligations in Ontario, technical capability and the background of key individuals in the company.

According to the evidence provided with the application, Board staff submits that SaversEnergy can reasonably be expected to be financially responsible in the conduct of its business.

In response to interrogatory #2, which queried the applicant's plan to ensure compliance with its legal and regulatory obligations, the applicant provided a detailed description of the policies, processes and procedures in place or to be put in place to ensure compliance. In this regard, SaversEnergy's responses to the interrogatories reasonably addressed Board staff's concerns.

Board staff's interrogatories to SaversEnergy sought to further the record with respect to the role of the key individuals named in the application. Two of the three key individuals listed in the application have no personal experience in the energy sector. However, its president has worked for Just Energy as an independent contractor and, as stated in the application, is familiar with the energy market in Ontario.

The applicant is a corporation. Board staff conducted a review of all key individuals listed in SaversEnergy's application and no issues have been identified.

Requested Trade Names

The electricity retailer licence provides for the use of trade names to conduct business by the licensed electricity retailer. In the application, SaversEnergy listed the following names as trade names that it intends to use in conducting its licensed business activities:

- SaversPower;

- SaversGas.

Board staff has no concerns with respect to the trade name SaversPower being used by the applicant, as the applicant is seeking an electricity retailer licence. However, Board staff does have concerns with the applicant's request to use the trade name SaversGas. In Board staff's view, the trade name SaversGas implies an activity for which the applicant will not be authorized under the electricity retailer licence and therefore should not be permitted.

If, in the future, SaversEnergy would want to pursue gas marketing activities, SaversEnergy should then apply for a gas marketer licence under section 50 of the Act and may list the trade name SaversGas in that application.

All of which is respectfully submitted.