



**EB-2014-0016**

**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 Direct Energy Marketing Limited for a Gas Marketer Licence.

By delegation, before: Jennifer Lea

**INTERIM DECISION AND ORDER**

**May 8, 2014**

Direct Energy Marketing Limited ("Direct Energy") filed an application on January 16, 2014, under section 50 of the *Ontario Energy Board Act, 1998* to renew its gas marketer licence GM-2009-0058. The Board assigned the application file number EB-2014-0016.

The licence that is a subject of this renewal application was issued to the applicant on May 15, 2009 and remains in force until May 14, 2014. The current license will expire prior to final determination of the renewal application. The licence provides that the term may be extended by the Board. On April 9, 2014, Direct Energy filed a letter requesting an extension to the term of the licence, pending the final determination of its renewal application. The applicant is currently marketing natural gas to low-volume consumers in Ontario.

Considering the time required to process an application in accordance with the Board's established practice and procedures, and considering the applicant's need for a licence to continue its gas marketing activities, I find that it is in the public interest to make an order extending the term of licence GM-2009-0058 until such time as the renewal application is determined or July 30, 2014, whichever is earlier.

The applicant is reminded that it carries the onus of filing an application on a timely basis given the requirements of notice, and the Board's typical timelines of processing

licence applications. The applicant is also reminded that this decision does not constitute a final decision on the application.

**IT IS THEREFORE ORDERED THAT:**

The term of Direct Energy Marketing Limited licence GM-2009-0058 is extended until the licence renewal application is determined on a final basis or July 30, 2014, whichever is earlier.

**DATED** at Toronto, May 8, 2014

**ONTARIO ENERGY BOARD**

*Original signed by*

Jennifer Lea  
Counsel, Special Projects



# Gas Marketer Licence

**GM-2009-0058**

**Direct Energy Marketing Limited**

**Valid by Extension Until**

**July 30, 2014**

*Original signed by*

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**Jennifer Lea**  
**Counsel, Special Projects**  
**Ontario Energy Board**  
**Date of Issuance: May 15, 2009**  
**Date of Amendment: May 8, 2014**

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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 Direct Energy Marketing Limited;

“**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 May 15, 2009 and expire on July 30, 2014. 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. Direct Energy
2. Direct Energy Home Services
3. Direct Energy Business