

OEB Staff Submission

**Planet Energy (Ontario) Corp.
(Planet Energy)**

Electricity Retailer Licence Renewal Application

EB-2016-0385

March 6, 2017

THE PROCEEDING

On December 28, 2016 Planet Energy (Ontario) Corp. (Planet Energy) filed an application with the Ontario Energy Board (OEB) under section 60 of the *Ontario Energy Board Act, 1998* (the OEB Act) to renew its electricity retailer licence.

On January 13, 2017, the OEB issued a Notice of Application and Written Hearing (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 14, 2017, OEB staff filed interrogatories on the application in order to gather additional information required for the OEB's final determination of the licence renewal application. On February 28, 2017, Planet Energy filed responses to OEB staff interrogatories.

THE APPLICANT

Planet Energy retails electricity in Ontario to both low-volume and large-volume consumers. Planet Energy also markets natural gas in Ontario. In addition to the Ontario energy retail market, Planet Energy markets natural gas in the Canadian provinces of British Columbia, Manitoba and Quebec. Planet Energy also markets natural gas and retails electricity in four US states (Maryland, New York, Ohio and Pennsylvania).

STAFF SUBMISSION

In assessing an electricity retailer licence application OEB staff considers the entire application and in particular the financial viability, past conduct and technical capability of the applicant.

Financial Viability

Having reviewed the evidence provided, OEB staff finds no issue with respect to the financial position of Planet Energy and submits that Planet Energy can reasonably be expected to be financially responsible in the conduct of its business.

Technical Capability

OEB staff submits that according to the application, Planet Energy employs technical personnel with adequate experience and qualifications in the retail energy industry. All key individuals listed in the application are reported to have extensive experience in the

energy sector. Key individuals' experience includes but is not limited to electricity commodity marketing and trading, energy procurement, risk management, processing operations, Ontario EBT standards and regulatory compliance. In addition, [REDACTED]
[REDACTED]

Conduct

Electricity retailers in Ontario are required to comply with the OEB Act, *Energy Consumer Protection Act, 2010* (ECPA), regulations under these Acts, and the Code of Conduct for Electricity Retailers.

OEB staff's interrogatories to Planet Energy sought to further the record with respect to Planet Energy's plan to ensure compliance with its legal and regulatory obligations if the applicant were granted renewal of its licence, including the sales channels it intends to use for retailing electricity to low-volume consumers in Ontario.

In response to interrogatory #1, which queried intended market activity including what sales channels Planet Energy intends to use for retailing electricity to low-volume consumers in Ontario, [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

In its response to OEB staff interrogatory #3, which queried how Planet Energy intends to ensure compliance with its legal and regulatory obligations, the applicant stated that:

- [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

- Planet Energy's goal is to continue to minimize complaints, maintain a low complaint ratio and exceed its compliance obligations. Planet Energy will continue to take all necessary measures, steps and actions to ensure that it complies with all of its legal and regulatory obligations.

An important factor in the OEB's review of a licence application is the applicant's past conduct. According to the OEB records, Planet Energy has a relatively low level of complaints, within or below average among licensed retailers and gas marketers. As stated in response to interrogatory # 2b, since the majority of complaints fall within the category relating to the Global Adjustment, Planet Energy has ensured that its customer service representatives fully understand the Global Adjustment and are able to explain it to customers. Planet Energy also has ensured that it is compliant with all contract materials, disclosure statements and price comparison forms.

OEB staff notes that since the last renewal of the electricity retailer licence, Planet Energy has not been subject to any OEB enforcement proceeding. However, on February 9, 2017, the OEB issued a Notice of Intention to Make an Order for Compliance and an Administrative Penalty (Compliance Notice) to Planet Energy. The Compliance Notice states that Planet Energy has engaged in an unfair practice and breached multiple sections of the ECPA, regulations under the ECPA, and the Electricity Retailer Code of Conduct. In its interrogatory # 5, OEB staff sought an explanation from Planet Energy on how it plans to ensure continued compliance with its legal and regulatory obligations in relation to each of the deficiencies set out in the Notice. Planet Energy did not provide a full response to this interrogatory, stating that it contests the allegations and has requested a hearing.

CONCLUSION

In consideration of the evidence filed, OEB staff is of the view that Planet Energy has the adequate technical and financial capabilities to operate effectively in the Ontario market. OEB staff is of the view that Planet Energy has the appropriate systems, policies, procedures and controls in place to comply with its statutory and regulatory obligations.

All of which is respectfully submitted.