



**EB-2017-0007**

**IN THE MATTER OF** the *Ontario Energy Board Act*,  
1998, S.O. 1998, c. 15 (Schedule B);

**AND IN THE MATTER OF** a Notice of Intention to  
Make an Order for Compliance and Payment of an  
Administrative Penalty against Planet Energy  
(Ontario) Corp. (ER-2011-0409) (GM-2013-0269).

**NOTICE OF HEARING  
AND  
PROCEDURAL ORDER NO. 1**

**April 27, 2017**

On February 9, 2017, the Ontario Energy Board (OEB), on its own motion under section 112.2 of the *Ontario Energy Board Act, 1998 (Act)* issued a Notice of Intention to make an Order under sections 112.3 and 112.5 of the Act against Planet Energy (Ontario) Corp. (Planet Energy) for compliance with a number of enforceable provisions as defined in section 3 of the Act, including requiring Planet Energy to take immediate and appropriate measures to ensure its salespersons comply with enforceable provisions of the Act, to refund monies to affected consumers, and to pay an administrative penalty in the amount of \$450,000.

Allegations of non-compliance are set out in the Notice of Intention.

By way of letter dated February 23, 2017, Planet Energy requested that the OEB hold a hearing in this matter.

The OEB will hold an oral hearing.

## Parties to this Proceeding

The parties to the proceeding are Planet Energy and the members of OEB staff assigned to bring these matters forward (the Enforcement Team).

## Pre-Hearing Conference

In its letter dated February 23, 2017, Planet Energy proposed that a pre-hearing conference be scheduled to address the matters set out in Rule 18.01<sup>1</sup> of the OEB's *Rules of Practice and Procedure for Enforcement Proceedings* (the Enforcement Rules). The Enforcement Team subsequently confirmed that it agreed that a pre-hearing conference would be appropriate.

As both parties are in favour of a pre-hearing conference, the OEB will make provision for one.

## Pre-Hearing Conference Memorandum

Pursuant to Rule 18.03 of the Enforcement Rules, the Enforcement Team is required to file a pre-hearing conference memorandum in advance. Although not required, Planet Energy may also file a pre-hearing conference memorandum in accordance with Rule 18.03. Rule 18.03 states the following:

*Where a pre-hearing conference is directed in the context of an enforcement proceeding, the enforcement team shall, and other parties may, serve on all other parties a pre-hearing conference memorandum that contains the following:*

- (a) a brief statement of facts and allegations;*
- (b) a description of the legal issues to be determined in the enforcement proceeding; and*
- (c) a copy of any document(s) that would assist in making the prehearing conference more effective or efficient.*

*A pre-hearing memorandum shall be served at least seven days before the date of the pre-hearing conference.*

---

<sup>1</sup> [Rules of Practice and Procedure for Enforcement Proceedings](#)

The OEB considers it necessary to make provision for the following procedural matters related to this proceeding. The OEB may issue further procedural orders from time to time.

**THE ONTARIO ENERGY BOARD ORDERS THAT:**

1. The OEB Enforcement Team must file with the OEB a copy of the pre-hearing conference memorandum and serve a copy on Planet Energy, on or before **June 8, 2017**.
2. Planet Energy may also file with the OEB a copy of the pre-hearing conference memorandum and serve a copy on the OEB Enforcement Team's Counsel (Mr. Justin Safeyeni), on or before **June 22, 2017**. Mr. Safeyeni's contact information is set out below:

Stockwoods LLP Barristers  
TD North Tower  
77 King Street West, Suite 4130  
P.O. Box 140  
Toronto-Dominion Centre  
Toronto, ON M5K 1H1  
Tel: 416-593-3494  
E-mail: [justins@stockwoods.ca](mailto:justins@stockwoods.ca)

3. The pre-hearing conference will take place in the OEB's North Hearing Room beginning at **9:30 a.m. on July 11, 2017** at 2300 Yonge Street on the 25<sup>th</sup> Floor.

All filings to the OEB must quote file number EB-2017-0007 and be made electronically through the OEB's web portal at <https://www.pes.ontarioenergyboard.ca/eservice/> in searchable/unrestricted PDF format. Two paper copies must also be filed. Filings must clearly state the sender's name, postal address and telephone number, fax number and e-mail address. Parties must use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at <http://www.oeb.ca/Industry>. If the web portal is not available parties may email their documents to the address below. Those who do not have internet access are required to submit all filings on a CD in PDF format, along with two paper copies. Those who do not have computer access are required to file 7 paper copies.

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.

With respect to distribution lists for all electronic correspondence and materials related to this proceeding, parties must include the Case Manager, Michael Bell at [Michael.Bell@oeb.ca](mailto:Michael.Bell@oeb.ca) and OEB Counsel, Ian Richler at [Ian.Richler@oeb.ca](mailto:Ian.Richler@oeb.ca).

**ADDRESS**

Ontario Energy Board  
P.O. Box 2319  
2300 Yonge Street, 27<sup>th</sup> Floor  
Toronto, ON M4P 1E4  
Attention: Board Secretary

Tel: 1-888-632-6273 (toll free)  
Fax: 416-440-7656  
E-mail: [Boardsec@oeb.ca](mailto:Boardsec@oeb.ca)

**ISSUED** at Toronto, April 27, 2017

**ONTARIO ENERGY BOARD**

*Original signed by*

Kirsten Walli  
Board Secretary