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May 30, 2017

Ms. Kirsten Walli  
Board Secretary  
Ontario Energy Board  
P.O. Box 2319  
2300 Yonge Street, Suite 2700  
Toronto ON M4P 1E4

Dear Ms. Walli:

**Re: En-Powered Inc.  
Application for Electricity Retailer Licence  
OEB File Number EB-2017-0130**

In accordance with Procedural Order No. 1, please find enclosed OEB staff's submission filed in the above mentioned proceeding.

Yours truly,

*Original signed by*

Irina Kuznetsova  
Case Manager

Attachment

**OEB Staff Submission**

**En-Powered Inc.**

**Electricity Retailer Licence Application**

**EB-2017-0130**

**May 30, 2017**

## **THE PROCEEDING**

On March 13, 2017, En-Powered Inc. (En-Powered) filed an application with the Ontario Energy Board under section 60 of the *Ontario Energy Board Act, 1998* (the Act) for an electricity retailer licence renewal.

On March 31, 2017, the OEB issued a Notice of Application and Written Hearing (the Notice). No parties responded to the Notice. In that Notice, the OEB set out dates for the filing of interrogatories, responses to the interrogatories and written submissions. In accordance with the timelines set out in the Notice, on April 28, 2017, OEB staff filed interrogatories on the application in order to gather additional information required for the OEB's final determination of the licence application. On May 16, 2017, En-Powered filed responses to OEB staff interrogatories.

## **THE APPLICANT**

En-Powered Inc. is a privately held Canadian company formed in March 2015. En-Powered has been licensed by the OEB as an "agent only" electricity retailer since June 2015 and as an "agent only" gas marketer since June 2016. In September 2016, En-Powered's electricity retailer licence was amended to allow the applicant to sell or offer to sell electricity to consumers directly.

The applicant primarily retails electricity to large and low volume commercial customers. All En-Powered's retail services require no long-term commitments and have no cancellation fees. In addition to electricity retailing, En-Powered is offering energy audits to assist its customers with finding solutions to maximize their energy cost savings.

## **STAFF SUBMISSION**

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

### **Financial Viability**

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

### **Technical Capability**

According to the application and responses to OEB staff interrogatories, Mr. Tomas van Stee, Founder and President of the company, is responsible for operations of the company, regulatory affairs and compliance.

To satisfy its online business model, En-Powered has a development team responsible for delivering the online tools required to conduct En-Powered's various business activities. En-Powered also contracts EARTH Corporation which provides back office support for En-Powered's retail services.

OEB staff submits that En-Powered has adequate technical resources with appropriate qualifications to retail electricity.

### **Conduct**

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

When in 2015 the OEB licensed the applicant, a licence was granted for a two year term to allow En-Powered to gain sufficient experience and to demonstrate to the OEB that it conducts itself properly with regard to its legal and regulatory obligations.

OEB staff's interrogatories to En-Powered sought to further the record with respect to En-Powered's product offering and to ensure that its retailing activities are in compliance with legal and regulatory requirements. In response to OEB staff's interrogatories, En-Powered provided a general description of the policies, processes and procedures in place to ensure compliance. En-Powered also described its key considerations for customer acquisition. Specifically, En-Powered stated that it does not sign up contracts with consumers if they would not benefit from the offer, i.e. if potential customers are not using most of their electricity during peak periods, En-Powered would not offer a contract to such customers.

OEB staff is of the view that En-Powered has a comprehensive and accurate understanding of all applicable legal and regulatory requirements for electricity retailers in Ontario. OEB staff notes that according to OEB records and as stated in the applications, there have been no complaints raised by consumers to the OEB about the applicant.

## **CONCLUSION**

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

All of which is respectfully submitted.