



# **Ontario Energy Board Commission de l'énergie de l'Ontario**

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## **DECISION AND ORDER**

**EB-2016-0385**

### **PLANET ENERGY (ONTARIO) CORP.**

**Application for an Electricity Retailer Licence**

**BY DELEGATION,**

**BEFORE:   Brian Hewson**

Vice President, Consumer Protection & Industry Performance

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**June 15, 2017**

## INTRODUCTION AND SUMMARY

Planet Energy (Ontario) Corp. has applied to renew its electricity retailer licence. For the reasons set out below, the application is approved.

## THE PROCESS

Planet Energy (Ontario) Corp. (Planet Energy) filed an application with the Ontario Energy Board (OEB) on December 28, 2016. The application was made under section 60 of the *Ontario Energy Board Act, 1998* (the Act) for a renewal of Planet Energy's electricity retailer licence, which is set to expire June 20, 2017.

A Notice of Application and Hearing was issued on January 13, 2017, inviting persons to intervene in the hearing or to comment on the application. No one responded to the Notice. OEB staff participated in the hearing and filed written interrogatories on February 14, 2017. Planet Energy responded to OEB staff's interrogatories on February 28, 2017. OEB staff filed a submission on March 6, 2017.

This Decision and Order is being issued by delegated authority, pursuant to Section 6 of the Act.

## BACKGROUND

An applicant for the issuance or renewal of a licence that allows for the retailing of electricity to residential or small business consumers (an electricity retailer licence) must meet the minimum requirements set out in Ontario Regulation 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 Act or the regulations or the rules made under Part III of the Act.
5. If the applicant is an individual, the applicant is at least 18 years old.

Ontario Regulation 90/99 also specifies that if any of the foregoing requirements is not met by the applicant, the electricity retailer licence shall not be issued or renewed, as applicable.

## THE APPLICATION

Planet Energy filed a complete application with the OEB in December 2016, and provided further information, in February 2017, in response to interrogatories received from OEB staff.

OEB staff, in consideration of the evidence filed in the proceeding, submits that Planet Energy meets the requirements prescribed by Ontario Regulation 90/99. In OEB staff's view, the applicant has the appropriate systems, policies, procedures and controls in place to comply with its statutory and regulatory obligations. OEB staff further submits that Planet Energy can reasonably be expected to be financially responsible in the conduct of its business and has adequate technical capabilities to operate in the Ontario market.

With regard to the applicant's conduct, however, OEB staff also notes that while Planet Energy has not been subject to any OEB enforcement action since the last renewal of its electricity retailer licence, on February 9, 2017, the OEB issued a Notice of Intention to make an Order under sections 112.3 and 112.5 of the Act against Planet Energy for noncompliance with a number of enforceable provisions (EB-2017-0007). Planet Energy did not elaborate in this proceeding on the allegations made in the EB-2017-0007 compliance proceeding, other than to state that it contests them. Planet Energy

has requested, and has since been granted, a hearing in the EB-2017-0007 compliance proceeding.

## **FINDINGS**

Planet Energy's application for renewal of its electricity retailer licence is granted. When evaluating an application for an electricity retailer licence, the OEB focuses its consideration on the requirements set out in Ontario Regulation 90/99; in particular, the applicant's financial position, technical capability to operate in the market, and conduct. The record in this case indicates that Planet Energy has met these requirements.

## **IT IS ORDERED THAT:**

1. Planet Energy (Ontario) Corp.'s application for an electricity retailer licence is granted, on such conditions as are contained in the attached licence.

**DATED** at Toronto, June 15, 2017

## **ONTARIO ENERGY BOARD**

*Original Signed By*

Brian Hewson  
Vice President, Consumer Protection & Industry Performance