



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

DECISION AND ORDER

EB-2017-0130

EN-POWERED INC.

Application for an Electricity Retailer Licence

BY DELEGATION,

BEFORE: **Brian Hewson**
Vice President, Consumer Protection & Industry Performance

July 20, 2017

DECISION AND ORDER

En-Powered Inc. (En-Powered) filed an application under section 60 of *Ontario Energy Board Act, 1998* (OEB Act) on March 13, 2017 to renew its electricity retailer licence.

The OEB issued a Notice of Applications and Written Hearing (Notice) on March 31, 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 April 28, 2017. En-Powered responded to OEB staff's interrogatories on May 17, 2017. OEB staff filed a submission on the application on May 30, 2017. En-Powered did not file a reply submission.

This Decision and Order is being issued by Delegated Authority, pursuant to Section 6 of the OEB Act.

FINDINGS

An applicant for the issuance or renewal of a licence that allows for the retailing of electricity (an electricity retailer licence) to residential or small business consumers must meet the minimum requirements set out in Ontario Regulation 90/99 "Licence Requirements – Electricity Retailers and Gas Marketers", made under the OEB 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 are not met by the applicant, the licence shall not be issued or renewed.

In its submission on the application, OEB staff stated that En-Powered meets the requirements for the renewal of its electricity retailer licence. In OEB staff's view, the applicant 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 respect to the applicant's conduct, OEB staff noted that En-Powered has the appropriate systems, policies, procedures and controls in place to comply with its statutory and regulatory obligations.

En-Powered'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 OEB finds that the record in this case indicates that En-Powered meets these requirements.

IT IS ORDERED THAT:

1. The application for an electricity retailer licence is granted, on such conditions as are contained in the attached licence.

DATED at Toronto, July 20, 2017

ONTARIO ENERGY BOARD

Original Signed By

Brian Hewson
Vice President, Consumer Protection & Industry Performance