

December 15, 2017

VIA EMAIL

Ontario Energy Board
P.O. Box 2319
27th Floor
2300 Yonge Street
Toronto ON M4P 1E4
Email: boardsec@ontarioenergyboard.ca

Attention: Ms. K. Walli, Board Secretary

Dear Ms. Walli:

Re: In the Matter of a Notice of Intention to Make an Order under section 112.4 of the Ontario Energy Board Act, 1998 for Revocation of a Licence against Ensqr Corporation (Licence Number ES-2012-0461).

File No. EB-2016-0380

We write as external counsel to the OEB Enforcement Team in this matter.

We are in receipt of the documents provided by Ensqr Corporation (“**Ensqr**”) in response to Procedural Order #3. In particular, Ensqr delivered an initial response on December 4, 2017 (“**Response**”) and an “addendum” on December 11, 2017 (“**Addendum**”).

The OEB Enforcement Team wishes to clarify and address certain aspects of Ensqr’s latest documentation.

- *Paragraph 3 of Procedural Order #3 required Ensqr to file “an update to the number of Ensqr customers who are currently eligible to receive an OESP credit.” Ensqr’s Response purports to provide a list of “eligible customers”. To be clear, however, with the exception of a single customer (who has successfully applied for OESP), there are no other Ensqr customers who have been determined to be eligible for the OESP. OESP eligibility is not a determination that Ensqr can make unilaterally; its customers must apply through the online process and be approved. That has not yet occurred.*

- *Paragraph 4 of Procedural Order #3 required Ensqr to file “the tariff codes received from ICF that indicate the level of credit that each Ensqr customer who is eligible to receive an OESP credit should be receiving” and, in the event there are no tariff codes, to “explain how it is determining the amount of OESP credit to provide to each of those customers”.* Ensqr’s Response makes it clear that only one customer has received a tariff code, but that Ensqr has applied an “OESP credit” of \$30 per month to the bills of the remaining customers that Ensqr believes are eligible for the OESP (but have not yet, in fact, been determined to be eligible). To be clear, the \$30 per month credit on these bills is not an actual OESP credit and does not correspond to any existing tariff code. We note that Ensqr has not provided any details as how it arrived at the \$30 amount.
- *Paragraph 5 of Procedural Order #3 required Ensqr to “file copies of the most current bills (not sample bills) issued to Ensqr customers identified in item #3, that include the OESP credit.”* Again, apart from the first bill included in Ensqr’s Response, the bills Ensqr has provided do not “include the OESP credit”; instead, they include a credit that Ensqr has labelled an “OESP credit” in respect of customers who have not yet been determined to be eligible for an actual OESP credit.

With respect to the single bill Ensqr has provided for a “customer with successful OESP”, we note that that amount of the OESP credit is incorrect and does not correspond to the appropriate tariff code. Based on the date that the bill was printed, it appears that Ensqr applied an incorrect OESP credit amount two days before Ensqr received the proper information.

- *Paragraph 6 of Procedural Order #3 required Ensqr to provide certain information in respect of “Ensqr customers who were eligible for OESP credits prior to the time at which Ensqr began incorporating OESP into the bills.”* Once again, a determination as to OESP eligibility has only been made in respect of a single Ensqr customer, and so Ensqr’s response that there have been 10 “Customers with a Credit” must be read as a reference to its own, unilaterally imposed \$30 per month credits – which are not OESP credits.
- Finally, the OEB Enforcement Team has been advised by ICF that it received two new applications for OESP eligibility on December 4 and 11, 2017, which were submitted to Ensqr for confirmation on December 5 and 12, 2017, respectively. To date, ICF has advised that Ensqr has taken no steps to advance the processing of these applications. This is a matter of concern to the OEB Enforcement Team.

Yours truly,



Justin Safayeni

c: **Ensqr c/o Harshal Gunde** – *by email* (harshal.gunde@ensqr.com; harshal@bitts.ca)

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