



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

DECISION AND ORDER

EB-2018-0099 & EB-2018-0100

**SUMMITT ENERGY MANAGEMENT INC. ON
BEHALF OF SUMMITT ENERGY LP**

Applications for an Electricity Retailer Licence and a Gas Marketer Licence

BY DELEGATION,

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

June 21, 2018

INTRODUCTION AND SUMMARY

Summitt Energy Management Inc. on behalf of Summitt Energy LP applied for a renewal of its electricity retailer licence (ER-2013-0037) and gas marketer licence (GM-2013-0038), each of which are set to expire on June 26, 2018. For the reasons set out below, the applications are approved.

THE PROCESS

Summitt Energy Management Inc. on behalf of Summitt Energy LP (Summitt Energy) filed an electricity retailer licence application under section 60 of the *Ontario Energy Board Act, 1998* (OEB Act) and a gas marketer licence application under section 50 of the OEB Act on February 5, 2018. The Ontario Energy Board (OEB) combined the applications into one proceeding, pursuant to section 21(5) of the OEB Act.

The OEB issued a combined Notice of Applications and Written Hearing (Notice) on February 26, 2018, inviting persons to intervene in the hearing or to comment on the applications. No one responded to the Notice. OEB staff participated in the hearing and filed written interrogatories on March 29, 2018. Summitt Energy responded to OEB staff's interrogatories on April 20, 2018. OEB staff filed a submission on the application on May 3, 2018. Summit Energy did not file its response to the submission.

This Decision and Order is being issued by the 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) or the marketing of gas (a gas marketer 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 applications, OEB staff stated that Summitt Energy meets the requirements for the renewal of its gas marketer licence and 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 Summitt Energy was subject to sanctions by the OEB in 2014 and 2017 for certain contraventions of the *Energy Consumer Protection Act, 2010* (ECPA) and the Codes of Conduct for Gas Marketers and Electricity Retailers. However, based on Summitt Energy's responses to OEB staff interrogatories, OEB staff submitted that Summitt Energy has the appropriate systems, policies, procedures and controls in place to comply with its statutory and regulatory obligations as well as the provisions set out in the OEB's Codes.

Based on a review of the evidence and consideration of the requirements set out in Ontario Regulation 90/99, Summitt Energy's applications for renewal of its gas marketer and electricity retailer licences are granted.

IT IS ORDERED THAT:

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

2. The application for a gas marketer licence is granted, on such conditions as are contained in the attached licence.

DATED at Toronto, June 21, 2018

ONTARIO ENERGY BOARD

Original Signed By

Brian Hewson
Vice President, Consumer Protection & Industry Performance