



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

DECISION AND ORDER

EB-2018-0151

PLANET ENERGY (ONTARIO) CORP.

Application for a Gas Marketer Licence

BY DELEGATION,

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

November 8, 2018

INTRODUCTION AND SUMMARY

Planet Energy (Ontario) Corp. (Planet Energy) filed with the Ontario Energy Board (OEB) an application for a gas marketer licence on April 10, 2018. Planet Energy filed the application for a renewal of its gas marketer licence (GM-2013-0269), which is set to expire on December 18, 2018. The granting of this licence would enable Planet Energy to market natural gas in Ontario.

THE PROCESS

Planet Energy filed with the OEB an application for a gas marketer licence on April 10, 2018, pursuant to section 50 of *Ontario Energy Board Act, 1998* (OEB Act).

The OEB issued a Notice of Application and Written Hearing (Notice) on May 11, 2018, inviting persons to intervene in the hearing or to comment on the application. No one responded to the Notice.

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 OEB Act or the regulations or the rules made under Part III of the OEB Act.

5. If the applicant is an individual, the applicant is at least 18 years old.

With respect to the applicant's technical and financial position, 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, on February 9, 2017, the OEB issued a Notice of Intention to Planet Energy, to make an order for compliance, restitution and payment of an administrative penalty under the compliance proceeding EB-2017-0007. On September 20, 2018, the OEB issued its Decision and Order with respect to that proceeding. In the Decision and Order, the OEB found that a subset of the allegations set out in the Notice of Intention have been proven on a balance of probabilities. As a result, the OEB set compliance actions against Planet Energy. On October 19, 2018, Planet Energy filed a notice of appeal with the Divisional Court to the OEB Decision and Order.

After considering the application, the OEB finds it to be in the public interest to grant Planet Energy's application for renewal of its gas marketer licence. When evaluating an application for a gas marketer 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. The application for a gas marketer licence is granted, on such conditions as are contained in the attached licence.

DATED at Toronto, November 8, 2018

ONTARIO ENERGY BOARD

Original Signed By

Brian Hewson
Vice President, Consumer Protection & Industry Performance