



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

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## DECISION AND ORDER

EB-2018-0282

### GAS ONTARIO INC.

Application for a Gas Marketer Licence

BY DELEGATION,

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

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December 20, 2018

## INTRODUCTION AND SUMMARY

Gas Ontario Inc. (Gas Ontario) filed with the Ontario Energy Board (OEB) an application for a renewal of its gas marketer licence (GM-2013-0261), which is set to expire on January 29, 2019. The granting of this licence would enable Gas Ontario to act as an agent or broker for natural gas in Ontario.

## THE PROCESS

Gas Ontario filed with the OEB an application for a gas marketer licence on October 1, 2018, pursuant to section 50 of Ontario Energy Board Act, 1998 (OEB Act).

This Decision and Order is being issued by the Delegated Authority, without holding a hearing, pursuant to Section 6 of the OEB Act.

## BACKGROUND

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.

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.

## THE APPLICATION

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.

With respect to the applicant's technical and financial position, Gas Ontario can reasonably be expected to be financially responsible for the conduct of its business and has adequate technical capabilities to operate in the Ontario market. With respect to the applicant's conduct, Gas Ontario has not been subject to any OEB enforcement proceedings since the renewal of its gas marketer licence in 2013, and there were no complaints about Gas Ontario's conduct filed with the OEB within the last two years.

## FINDINGS

After considering the application, the OEB finds it to be in the public interest to grant Gas Ontario'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. The record in this case indicates that Gas Ontario 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, December 20, 2018

## ONTARIO ENERGY BOARD

*Original signed by*

Brian Hewson  
Vice President, Consumer Protection & Industry Performance



# Gas Marketer Licence

## Agent Only

**GM-2018-0282**

**Gas Ontario Inc. OA GOenergy**

Valid Until

**December 19, 2023**

*Original signed by*

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**Brian Hewson**

**Vice President, Consumer Protection & Industry Performance**

**Ontario Energy Board**

**Date of Issuance: December 20, 2018**

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## 1 Definitions

In this Licence:

“**Act**” means the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, Schedule B;

“**low-volume consumer**” means a person who annually uses less than 50,000 cubic meters of gas;

“**Licensee**” means Gas Ontario Inc. OA GOenergy;

“**regulation**” means a regulation made under the Act.

## 2 Interpretation

- 2.1 In this Licence, words and phrases shall have the meaning ascribed to them in the Act. Words or phrases importing the singular shall include the plural and vice versa. Headings are for convenience only and shall not affect the interpretation of this Licence. Any reference to a document or a provision of a document includes an amendment or supplement to, or a replacement of, that document or that provision of that document. In the computation of time under this Licence, where there is a reference to a number of days between two events, they shall be counted by excluding the day on which the first event happens and including the day on which the second event happens. Where the time for doing an act expires on a holiday, the act may be done on the next day that is not a holiday.

## 3 Authorization

- 3.1 The Licensee is authorized, under Part IV of the Act, and subject to the terms and conditions set out in this Licence:
- a) to act as the agent or broker for seller of gas to a low-volume consumer; and
  - b) to act or offer to act as the agent or broker of a low-volume consumer in the purchase of gas.
- 3.2 The Licensee is authorized to conduct business in the name under which this Licence is issued, or any trade name(s) listed in Schedule 1.

## 4 Obligation to Comply with Legislation and Regulations

- 4.1 The Licensee shall comply with all applicable provisions of the Act and regulations under the Act except where the Licensee has been exempted from such compliance by regulation.

## **5 Obligation to Comply with Codes**

- 5.1 The Licensee shall at all times comply with all applicable provisions of the Code of Conduct for Gas Marketers, as issued and amended by the Board from time to time under Part III of the Act.
- 5.2 This Licensee shall:
- a) make a copy of the Code available for inspection by members of the public at its head office and regional offices during normal business hours; and
  - b) provide a copy of the Code to any person who requests it. The Licensee may impose a fair and reasonable charge for the cost of providing copies.

## **6 Agent for Service**

- 6.1 If the Licensee does not have an office or other place of business in Ontario, the Licensee shall ensure the continuing appointment at all times of an individual who is a resident of Ontario and is at least 18 years old, or a corporation that has its head office or registered office in Ontario, as the Licensee's agent for service in Ontario on whom service of process, notices or other documentation may be made.

## **7 Provision of Information to the Board**

- 7.1 The Licensee shall maintain records of and provide, in the manner and form determined by the Board, such information as the Board may require from time to time.
- 7.2 Without limiting the generality of paragraph 7.1, the Licensee shall notify the Board of any material change in circumstances that adversely affects or is likely to adversely affect the business, operations or assets of the Licensee as soon as practicable, but in any event no more than twenty (20) days past the date upon which such change occurs.

## **8 Customer Complaint and Dispute Resolution**

- 8.1 The Licensee shall participate in a consumer complaints resolution process selected by the Board.

## **9 Term of Licence**

- 9.1 This Licence shall take effect on December 20, 2018 and expire on December 19, 2023. The term of this Licence may be extended by the Board.

## **10 Fees and Assessments**

- 10.1 The Licensee shall pay all fees charged and amounts assessed by the Board.

## **11 Communication**

- 11.1 The Licensee shall designate a person that will act as a primary contact with the Board on matters related to this Licence. The Licensee shall notify the Board promptly should the contact details change.

- 11.2 All official communication relating to this Licence shall be in writing.
- 11.3 All written communication is to be regarded as having been given by the sender and received by the addressee:
- a) when delivered in person to the addressee by hand, by registered mail, or by courier;
  - b) ten (10) business days after the date of posting, if the communication is sent by regular mail; or
  - c) when received by facsimile transmission by the addressee, according to the sender's transmission report.

## **12 Copies of the Licence**

- 12.1 The Licensee shall:
- a) make a copy of this Licence available for inspection by members of the public at its head office and regional offices during normal business hours; and
  - b) provide a copy of this Licence to any person who requests it. The Licensee may impose a fair and reasonable charge for the cost of providing copies.



**SCHEDULE 1 AUTHORIZED TRADE NAMES**

1. GO Energy