



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

BY EMAIL
shaunpandit@earlybirdpower.com

November 6, 2019

Shaun Pandit
Chief Executive Officer
Early Bird Power, LLC
1 Adams Street
Milton MA 02186

Dear Mr. Pandit:

**Re: Early Bird Power, LLC
Application for Gas Marketer Licence
OEB File Number EB-2019-0238**

The Ontario Energy Board (OEB) received Early Bird Power, LLC's application for a gas marketer licence on September 24, 2019. The OEB has assigned file number EB-2019-0238 to the application. The application will be decided by an employee of the OEB who has been delegated this authority pursuant to section 6 of the *Ontario Energy Board Act, 1998* (Delegated Authority). The Delegated Authority intends to make a decision on the application without holding a hearing.

The OEB has reviewed your application require further information in order to continue processing your application:

1. Sections 9 and 10: Intended Services and Intended Market Activities

1. In your application, Early Bird Power, LLC (Early Bird) indicated that it intends to serve ten low-volume customers each year.
 - a) Please describe in detail Early Bird's product offering.
 - b) Explain how the commodity pricing will be determined for Early Bird's product offering.

- c) Describe how you purchase, or intend to purchase, commodity supply, including source(s) of supply, pricing terms, hedging mechanisms, and timing of purchase relative to customer supply.
2. Describe in details Early Bird's intended approach to customer acquisition.
3. Provide a detailed description of the marketing/advertising campaign that Early Bird has planned to begin customer acquisition including the sales channels intended to be used.
4. Does Early Bird intend to acquire any services from third party providers, specifically customer service, billing and settlement services in Ontario?
 - i. If yes, please describe the services that will be provided by the third party providers.
 - ii. Provide detailed information on the service providers.

2. Section 12, Page 9: Finance

As indicated in the application, Early Bird was formed on April 9, 2009 and has been operating as an energy broker in the United States. The financial information provided does not meet the OEB's requirements, specifically a requirement to provide audited, if available, or unaudited financial statements. Please provide Early Bird's audited financial statements for the last two years. If audited financial statements are not available, provide unaudited financial statements signed by the key individual.

3. Compliance with Legal and Regulatory Obligations

If licensed by the OEB, Early Bird would have to comply with all applicable provisions of the [Ontario Energy Board Act, 1998](#) (OEB Act), regulations under the OEB Act and, the [Code of Conduct for Gas Marketers](#).

1. What is Early Bird's plan to ensure compliance with its legal and regulatory obligations in Ontario? In your response, describe the staff, policies, processes and procedures in place or to be put in place to ensure compliance. Please provide the names, titles and contact information of all individuals that will be accountable for compliance, complaint handling and quality assurance and describe fully their expertise in this area.

2. Please describe the processes and procedures that will be put in place to expeditiously investigate and resolve complaints as required by section [7.2](#) of the Code of Conduct for Gas Marketers.
3. Please explain how confidentiality of customer information will be ensured.

The OEB will resume processing your application once the above information has been filed. If the above information is not filed within 30 days of the date of this letter, the OEB may close the file for this application.

Once your application is complete, the Delegated Authority expects to issue a final decision on your application within 60-90 days.

In the event the Delegated Authority decides to deny or otherwise modify the relief you requested in your application, you will be given an opportunity to provide comments. The Delegated Authority will consider your final comments, if any, prior to issuing a decision and order.

Please file two paper copies of the additional material and an electronic version in Word and in searchable Adobe Acrobat (if available) with the Registrar. Electronic copies should be e-mailed to registrar@oeb.ca.

Any questions relating to this letter or your application should be directed to Natasha Gocool, Analyst at +1 (416) 440-7692 or Natasha.Gocool@oeb.ca. Please refer to the OEB file number noted above in all future correspondence to the OEB regarding your application.

Yours truly,

Original signed by

John Pickernell
Manager, Applications Administration