



EB-2008-0064

IN THE MATTER OF the *Ontario Energy Board Act*,
1998, S.O. 1998, c. 15, Schedule B;

AND IN THE MATTER OF an application pursuant to
sections 52 and 74 of the *Ontario Energy Board Act*,
1998 by Direct Energy Marketing Limited to amend its
Gas Marketer Licence GM-2004-0241 and Electricity
Retailer Licence ER-2005-0226.

By delegation, before: Jennifer Lea

DECISION AND ORDER

Direct Energy Marketing Limited ("DEML") filed an application with the Ontario Energy Board pursuant to sections 52 and 74 of the *Ontario Energy Board Act*, 1998, for an order of the Board to amend its licences. The application was received by the Board on March 17, 2008 and a revised application was received on April 21, 2008.

DEML requested an amendment to Schedule 1 to include the following trade names: Direct Energy, Direct Energy Home Services and Direct Energy Business. The applicant further requests that existing trade names on Schedule 1 be removed.

The licence amendments are granted.

Background

DEML stated that Schedule 1 of the existing licences does not accurately reflect the brand names in use by DEML in the market place. To reinforce the "Direct Energy" master brand in communications to the general public, DEML wants to use the brand "Direct Energy Business" for their business customers and the brand "Direct Energy Home Services" for their home services business.

There are no other changes to DEML apart from the Schedule 1 name changes. All other corporate information remains the same.

Licence Amendments

Pursuant to subsection 6(1) of the Act, I have been delegated the powers and duties of the Board with respect to the determination of applications made under sections 52 and 74 of the Act. This order is made under the authority of that delegation and is based on the evidence filed in support of the application.

I have proceeded without a hearing pursuant to section 21(4)(b) of the Act since no other parties are adversely affected in a material way by the outcome of the proceeding and the applicant has requested that the matter be disposed of without a hearing.

IT IS ORDERED THAT:

Schedule 1 of Direct Energy Marketing Limited's Gas Marketer Licence GM-2004-0241 and Electricity Retailer Licence ER-2005-0226 are amended to reflect the requested trade name changes. The new licences are attached to this Order.

Under section 7(1) of the Act, this decision may be appealed to the Board within 15 days.

DATED at Toronto, **May 28, 2008**

ONTARIO ENERGY BOARD

Original signed by

Jennifer Lea
Counsel, Special Projects



Gas Marketer Licence

GM-2004-0241

Direct Energy Marketing Limited

Valid Until

March 25, 2009

Original signed by

Jennifer Lea

Counsel, Special Projects

Ontario Energy Board

Date of Issuance: March 26, 2004

Date of Amendment: May 25, 2006

Date of Amendment: May 28, 2008

Ontario Energy Board
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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 Direct Energy Marketing Limited;

"**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 sell or offer to sell gas to a low-volume consumer;
 - b) to act as the agent or broker for seller of gas to a low-volume consumer; and
 - c) 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 March 26, 2004 and expire on May 25, 2009. 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. Direct Energy
2. Direct Energy Home Services
3. Direct Energy Business