

Ref. # 6084

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ONTARIO ENERGY BD

EB-2009-0257

OEB BOARD SECRETARY	
File No:	Sub File: 8
Panel:	
Licensing:	George D.
Other:	
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September 18, 2009

Ms. Kirsten Walli, Board Secretary
ONTARIO ENERGY BOARD
 P.O. Box 2319
 2300 Yonge Street, 27th Floor
 Toronto ON M4P 1E4

Dear Ms. Walli,

Re: EB-2009-0257: Application by Ontario Energy Savings L.P. for Amendment of its Gas Marketer & Electricity Retailer Licences.

We are in receipt of a further submission to the Board in this matter by Solmon, Rothbart, Goodman (SRG), dated September 16, 2009.

SRG characterizes its further submission as a "reply". More accurately, Ontario Energy Savings (OES) made application, SRG responded, and our August 24th letter constituted "reply". While there is no procedural basis for this further submission by SRG, we have considered it and reviewed it with our client. With one exception (addressed below) SRG's supplementary submission, while somewhat reworded from its initial submission, raises nothing substantively new, and the applicant has nothing to add to its earlier reply submissions.

The one exception noted above is the suggestion now made by SRG that the Board condition approval of this application on the inclusion by OES *"in every case where "Just Energy" is referred to either in letterhead, communications of any form including in any and all contracts or agreements"* of the phrase; *"Formerly carried on business as Ontario Energy Savings" be [sic] bracketed in the same font, beside the term Just Energy or any abbreviation of other form thereof*". OES has already proposed that if the Board determines that some action is required in respect of prospective customers, the Board could add a notation regarding Just Energy's previous business identity to the Board's web site listing of licenced energy retailers and/or to the Board's presentation on its website of retailer customer issues statistics. Any consumer inclined to investigate Just Energy's licence or complaint history would thus be directly informed that Just Energy previously operated as Ontario Energy Savings. SRG asserts that assuming that

interested consumers would visit the OEB's consumer information web pages is "*completely impractical and untenable*", as that would entail too much time, effort and expense. OES disagrees with this assertion.

In contrast to the measure proposed by OES, SRG's proposed condition is overbroad. It would merely serve to increase Just Energy's costs, and fragment its branding efforts, without appreciably adding protection for Ontario retail energy consumers. As such, it would be contrary not only to Just Energy's legitimate business interests, but also to the Board's legislative objectives of facilitating competition in the retail supply of energy and the promotion of communication with, and education of, Ontario's energy consumers.

OES respectfully requests that the Board determine the record in this matter duly closed, and proceed to consider and determine its application.

Yours truly,
MACLEOD DIXON LLP



Ian A. Mondrow

c. Randall M. Rothbart, Solmon Rothbart Goodman LLP

IAM/np