



EB-2008-0299

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
section 52 of the *Ontario Energy Board Act*, 1998 by
Universal Energy Corporation to amend its Gas
Marketer Licence GM-2004-0537.

By delegation, before: Jennifer Lea

DECISION AND ORDER

Universal Energy Corporation ("Universal") filed an application with the Ontario Energy Board pursuant to section 52 of the *Ontario Energy Board Act*, 1998, for an order of the Board to amend its licence to add the trade name "Wholesale Energy". The application was received by the Board on September 9, 2008.

On September 25, 2008, Universal filed with the Board additional information to support its application for adding a trade name.

The licence amendment is granted.

Reasons

Universal purchased all active natural gas retailer customer contracts in British Columbia and Ontario, assets and the right to use the trade name "Wholesale Energy" from Wholesale Energy Group ULC. The trade mark "Wholesale Energy" was assigned to Universal on August 1, 2008.

In compliance with section 6 of the Code of Conduct, Universal reported the purchase transaction to the Board on August 8, 2008.

The Board notes that Universal filed an application to amend its gas marketer licence on April 30, 2008 and an application to amend its retailer licence on June 10, 2008 to add trade names "Energy One Canada" and "Energy One". Universal's gas marketer licence was amended as requested on May 30, 2008 and Universal's electricity retailer licence was amended as requested on August 26, 2008.

Along with this application, Universal also filed a licence amendment application to add the trade name "Wholesale Energy" to schedule 1 of its retailer licence. Universal will use the trade name "Wholesale Energy" in addition to its other trade names for new business for both electricity retailing and gas marketing.

There are no other changes requested to Universal's licence apart from the addition of trade name "Wholesale Energy" to Schedule 1 on its gas marketer licence GM-2004-0537. All other provisions remain the same.

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 Universal Energy Corporation's gas marketer licence GM-2004-0537 is amended as requested. The amended licence is attached to this Order.

DATED at Toronto, November 14, 2008

ONTARIO ENERGY BOARD

Original signed by

Jennifer Lea
Counsel, Special Projects



Gas Marketer Licence

GM-2004-0537

Universal Corporation

Valid Until

February 2, 2010

Original signed by

Jennifer Lea

Counsel, Special Projects

Ontario Energy Board

Date of Issuance: February 3, 2005

Date of Amendment: May 30, 2008

Date of Amendment: November 14, 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 Universal Corporation;

"**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 February 3, 2005 and expire on February 2, 2010. 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. Energy One Canada
2. Energy One
3. Wholesale Energy