



EB-2012-0359

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

AND IN THE MATTER OF a Notice of Interim Order for
Compliance against morEnergy Savings Corp. & Blue Power
Distributed Energy Corp. (collectively, “morEnergy”) Licence
Numbers GM-2010-0336 and ER-2010-0335.

INTERIM ORDER FOR COMPLIANCE

WHEREAS section 112.2 (6) of the *Ontario Energy Board Act, 1998* (the “Act”) permits the Ontario Energy Board (the “Board”) to make an Interim Order under section 112.3 of the Act requiring morEnergy to comply with a number of enforceable provisions (as defined in section 3 of the Act), and to prevent further contraventions of enforceable provisions;

AND WHEREAS the Board served morEnergy with a Notice of Intention to Make an Order for Compliance, Suspension or Revocation, and an Administrative Penalty under sections 112.3, 112.4 and 112.5 of the Act dated December 19, 2012;

AND WHEREAS it appears to the Board that morEnergy has contravened sections of the *Energy Consumer Protection Act, 2010* (the “ECPA”), Ontario Regulation 389/10 (“O. Reg. 389/10”), the Electricity Retailer Code of Conduct and the Code of Conduct for Gas Marketers (together, the “Codes of Conduct”);

AND WHEREAS it appears to the Board that morEnergy has contravened the following enforceable provisions:

- a) Section 10 of the ECPA, section 5(1) and 5(2) of O. Reg. 389/10, and section 1.1(a) (Part B) of the Codes of Conduct;
- b) Section 10 of the ECPA, section 5(6)(i) of O. Reg. 389/10, and section 1.1(c) (Part B) of the Codes of Conduct;
- c) Section 10 of the ECPA and section 5(6)(ii) of O. Reg. 389/10, and section 1.1(b) (Part B) of the Codes of Conduct;
- d) Section 10, 13 and 14 of the ECPA and section 5(7) and 10(1) of O. Reg. 389/10;
- e) Section 10 of the ECPA and section 5(8) of O. Reg. 389/10;
- f) Section 10 of the ECPA and section 5(12) of O. Reg. 389/10, and section 3.3 (a)(b)(c)(d) and (e) (Part B) of the Codes of Conduct;
- g) Section 1.1(d) (Part B) of the Codes of Conduct;
- h) Section 1.1(h) (Part B) of the Codes of Conduct; and
- i) Section 15 of the ECPA and sections 11-13 of O. Reg. 389/10.

Further particulars of these contraventions of enforceable provisions are provided in the Notice of Intention to Make an Order for Compliance, Suspension or Revocation, and an Administrative Penalty dated December 19, 2012, and in the disclosure provided to morEnergy.

AND WHEREAS the Board is of the opinion that it is in the public interest to make this Order;

THE BOARD ORDERS THAT:

1. morEnergy shall cease all door-to-door sales activities until the Board issues a final Order in this matter or issues an interim Order varying this Interim Order for Compliance.
2. morEnergy shall take all necessary steps to ensure that all its agents act in accordance with the ECPA, O.Reg. 389/10, the Code of Conduct for Gas Marketers, and the Electricity Retailer Code of Conduct, in particular with regard to the breaches described above.
3. morEnergy shall provide information to the Board, as required, with respect to the steps taken to ensure compliance with the provisions described above.
4. morEnergy shall verify **all** electricity and gas contracts entered into with low-volume consumers pursuant to section 15 of the ECPA and sections 11 – 13 of O. Reg. 389/10 pending resolution of this matter.
5. morEnergy shall not submit any requests to an electricity or gas distributor for a change of electricity or gas supply for a low-volume consumer or supply electricity or gas to a low-volume consumer under a contract entered into with a low-volume consumer unless the contract has been verified pursuant to section 15 of the ECPA and sections 11 – 13 of O. Reg. 389/10.
6. This Interim Order applies to all contracts entered into on or after the date of this Interim Order, until the Board's final determination in this proceeding.

Dated at Toronto, December 19, 2012

ONTARIO ENERGY BOARD

Original signed by

Rosemarie T. Leclair
Chair and CEO