



**EB-2011-0314**

**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 Intention to Make an  
Order for Revocation of a Licence against MxEnergy  
Canada Ltd. ("MxEnergy"), Licence Number GM-2008-0025

**NOTICE OF INTENTION TO MAKE AN ORDER FOR REVOCATION OF A LICENCE  
UNDER s. 112.4 of the *ONTARIO ENERGY BOARD ACT, 1998***

The Ontario Energy Board (the "Board"), on its own motion under section 112.2 of the *Ontario Energy Board Act, 1998* (the "Act"), intends to make an Order under section 112.4 of the Act seeking revocation of MxEnergy's licence for failure to comply with its licence condition to file a Certificate of Compliance with the Board certifying that it is in compliance with the legal and regulatory requirements to carry on business in particular sales channels.

**ALLEGATIONS OF NON COMPLIANCE**

It is alleged that MxEnergy has contravened sections of Ontario Regulation 90/99.

## **PARTICULARS**

### **Contract renewals without filing a Certificate of Compliance**

MxEnergy reported 29 renewals of gas contracts for the period January 1, 2011 to March 31, 2011 as part of its filings under the Board's Reporting and Record Keeping Requirements.

1. MxEnergy renewed 29 gas contracts during the first quarter of 2011 without filing a Certificate of Compliance with the Board; contrary to section 3 of Ontario Regulation 90/99 and section 6.1 of the Code of Conduct for Gas Marketers.

**THEREFORE TAKE NOTICE** that MxEnergy may request, within fifteen days after receiving this Notice, that the Board hold a hearing on these matters. If no request for hearing is made within this time period, the Board may proceed to make an Order that MxEnergy comply with any of the enforceable provisions listed in this Notice and that MxEnergy pay an administrative penalty.

**FURTHER TAKE NOTICE** that if a hearing is requested, the Board is not bound by the above noted penalty and has discretion, upon finding a contravention(s) of the Act, to make any order it deems appropriate under section 112.4 of the Act. MxEnergy is entitled to be present at the hearing with or without counsel and to adduce evidence and make submissions. Should MxEnergy fail to attend, the hearing may be conducted in its absence and MxEnergy will not be entitled to any further notice in the proceeding.

In order to respond to this Notice and request a hearing, MxEnergy must file 3 copies of this request with the office of the Board Secretary at the following address:

Ontario Energy Board  
P.O. Box 2319  
2300 Yonge Street, 27<sup>th</sup> Floor  
Toronto, Ontario  
M4P 1E4  
Attention: Board Secretary  
Email: [Boardsec@ontarioenergyboard.ca](mailto:Boardsec@ontarioenergyboard.ca)  
Tel: 1-888-632-6273  
Fax: 416-440-7656

If a hearing is requested it will proceed before a Panel of the Board, at the offices of the Ontario Energy Board, 2300 Yonge Street, Toronto, Ontario, on a date to be set by the Board.

**Dated** at Toronto, August 25, 2011  
**ONTARIO ENERGY BOARD**

Original signed by

Kirsten Walli  
Board Secretary