



EB-2011-0316

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 Compliance and an Administrative Penalty against
Summitt Energy Management Inc., Licence Numbers ER-
2010-0368 and GM-2010-0369

**NOTICE OF INTENTION TO MAKE AN ORDER FOR COMPLIANCE AND TO
IMPOSE AN ADMINISTRATIVE PENALTY UNDER s. 112.3 and 112.5 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 sections 112.3 and 112.5 of the Act requiring Summitt Energy Management Inc. (“Summitt”) to comply with a number of enforceable provisions as defined in section 3 of the Act and to pay an administrative penalty in the amount of \$15,000 for breaches of enforceable provisions.

ALLEGATIONS OF NON COMPLIANCE

It is alleged that Summitt has contravened sections 7(1)17, 7(1)18 and section 8(3) of Ontario Regulation 389/10, section 12 of the *Energy Consumer Protection Act, 2010* (the “ECPA”) and section 4.6(a) and 4.7 of the Electricity Retailer Code of Conduct.

PARTICULARS

The particulars in support of the allegations set out in this Notice are as follows:

Contract Content Requirements for New Contracts

1. With respect to 25 electricity contracts and 25 gas contracts reviewed, Summitt has failed to ensure that the person signing the contract on behalf of Summitt does so after the acknowledgement that has to be signed and dated by the consumer or the account holder's agent; contrary to section 7(1)17 and 7(1)18 of Ontario Regulation 389/10 and section 12 of the ECPA. A list of the contracts referred to in this paragraph is attached at Appendix A.

Price Comparisons

2. Board staff noted that in one of the 25 electricity transactions (Contract number F1284631) reviewed, the price information in the electricity price comparison template provided to the consumer did not match the price of the program selected by the consumer under the contract. The price comparison template given to the consumer indicated time of use prices over five years as opposed to the fixed price over five years as selected by the customer; contrary to section 8(3) of Ontario Regulation 389/10, section 12 of the ECPA and sections 4.6(a) and 4.7 of the Electricity Retailer Code of Conduct.

THEREFORE TAKE NOTICE that Summitt 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 Summitt comply with any of the enforceable provisions listed in this Notice and that Summitt 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 sections 112.3 and/or 112.5 of the Act. Summitt is entitled to be present at the hearing with or without counsel and to adduce

evidence and make submissions. Should Summitt fail to attend, the hearing may be conducted in its absence and Summitt will not be entitled to any further notice in the proceeding.

In order to respond to this Notice and request a hearing, Summitt 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, 27th Floor
Toronto, Ontario
M4P 1E4
Attention: Board Secretary
Email: 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

Appendix A
To Notice of Intention
EB-2011-0316

A list of the contracts

Appendix A
Summitt Energy Management Inc.
EB-2011-0316

Contract Content Requirements for New Contracts

Electricity

Sample Number	Contract Number
1	F1290722
2	F1290903
3	F1290655
4	F1289640
5	F1289572
6	F1290125
7	F1287271
8	F1290607
9	F1286652
10	F1287184
11	F1285302
12	F1287162
13	F1285314
14	F1290594
15	F1285456
16	F1289269
17	F1282610
18	F1285370
19	F1282598
20	F1282592
21	F1291254
22	F1286633
23	F1284751
24	F1284631

Contract Content Requirements for New ContractsGas

Sample Number	Contract Number
1	F1292253
2	F1289640
3	F1289314
4	F1289350
5	F1284594
6	F1290069
7	F1289155
8	F1285254
9	F1289438
10	F1285412
11	F1289344
12	F1283302
13	F1290982
14	F1291475
15	F1290801
16	F1289282
17	F1289064
18	F1285405
19	F1286981
20	F1286839
21	F1284805
22	F1284504
23	F1287297
24	F1286649
25	F1287050

Price Comparisons

Electricity

Sample Number

24

Contract Number

F1284631