



EB-2015-0019

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 under section 112.4 of the *Ontario Energy Board Act, 1998* for Revocation of a Licence against Freepoint Commodities LLC, Licence Number EW-2013-0444.

**NOTICE OF INTENTION TO MAKE AN ORDER FOR REVOCATION
OF A LICENCE UNDER SECTION 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 to revoke electricity wholesaler licence EW-2013-0444 (the "Licence") issued to Freepoint Commodities LLC ("Freepoint").

ALLEGATIONS OF NON-COMPLIANCE

It is alleged that Freepoint has contravened section 7.1 of the Licence by failing to pay the Board's annual licence fee for the year 2014-2015.

PARTICULARS

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

On April 1, 2014, the Board issued invoice number 1415EW100 to Freepoint in the amount of \$800.00 covering the Board's annual licence fee in respect of the Licence for 2014-2015.

The invoice referred to above was sent to the attention of Ms. Swan Nan, the person designated by Freepoint as the primary contact with the Board on matters related to the Licence, at Freepoint Commodities LLC, 58 Commerce Road, Stamford, CT 06902, being the address designated by Freepoint as the address for service on matters related to the Licence.

The Board has not received payment of the invoice referred to above.

Failure to pay all fees charged and amounts assessed by the Board is a contravention of an enforceable provision within the meaning of the Act; more specifically, it is a contravention of section 7.1 of the Licence.

THEREFORE TAKE NOTICE that Freepoint 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 revoking the Licence.

FURTHER TAKE NOTICE that if a hearing is requested, the Board is not bound by the above-noted enforcement action and has discretion, upon finding one or more contraventions of an enforceable provision, to make any order it deems appropriate under section 112.4 of the Act. Freepoint is entitled to be present at the hearing with or without counsel and to adduce evidence and make submissions. Should Freepoint fail to attend, the hearing may be conducted in its absence and Freepoint will not be entitled to any further notice in the proceeding.

In order to respond to this Notice and request a hearing, Freepoint must file 3 copies of the 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 Board, 2300 Yonge Street, Toronto, Ontario, on a date to be set by the Board.

DATED at Toronto, February 3, 2015

ONTARIO ENERGY BOARD

Original Signed By

Rosemarie T. Leclair
Chair and CEO