



EB-2016-0200

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 Payment of an Administrative Penalty against Ensqr Corp. (ES-2012-0461)

**NOTICE OF INTENTION TO MAKE AN ORDER FOR COMPLIANCE AND
PAYMENT OF AN ADMINISTRATIVE PENALTY**

The Ontario Energy Board (OEB), on its own motion under section 112.2 of the *Ontario Energy Board Act, 1998* (Act) intends to make an Order under section 112.3 and 112.5 of the Act against Ensqr Corp (Ensqr) for compliance, including requiring Ensqr to comply with its licence conditions (ES-2012-0461) and obligations under the Unit Sub-Metering Code and to pay an administrative penalty in the amount of \$10,000.

ALLEGATIONS OF NON-COMPLIANCE

1. Ensqr has failed to comply with section 6 of its licence by failing to file certain information with the OEB, in this case its Self-Certification Report, to demonstrate its readiness to implement the Ontario Electricity Support Program (OESP).
2. Ensqr has failed to comply with section 5 of its licence by failing to comply with section 5.3.1 of the Unit Sub-Metering Code which requires Ensqr to apply rate assistance to a consumer's bill when it receives notice that a consumer is eligible for rate assistance under the OESP

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

PARTICULARS

Breach of Licence Condition and the Unit Sub-Metering Code

On August 10, 2015, the OEB issued a notice to all licensed electricity distributors and unit sub-meter providers (Utilities) outlining self-certification requirements to ensure Utilities were undertaking appropriate measures to prepare for the OESP. The OESP, which came into effect on January 1, 2016, requires licensed Utilities to deliver the OESP through the invoices to eligible low income electricity consumers.

In order to implement the program as of January 1, 2016 the OEB required Ensqr to file a self-certification report on three milestone dates: August 26, 2015, October 9, 2015 and November 30, 2015. Ensqr failed to meet any of the required deadlines despite numerous reminders.

The impact of failing to self-certify has resulted in the failure to process any applications from consumers for OESP.

THEREFORE TAKE NOTICE that Ensqr 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 OEB may proceed to make an Order for the payment of an administrative penalty in the amount of \$10,000 and make an Order remedying the contravention that occurred and preventing a further contravention from occurring.

FURTHER TAKE NOTICE that if a hearing is requested, the Board is not bound by the above 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. Ensqr is entitled to be present at the hearing with or without counsel and to adduce evidence and make submissions. Should Ensqr fail to attend, the hearing may be conducted in its absence and Ensqr will not be entitled to any further notice in the proceeding.

In order to respond to this Notice and request a hearing, Ensqr 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 ON 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, June 28, 2016

ONTARIO ENERGY BOARD

Original signed by

Rosemarie T. Leclair
Chair and CEO