



EB-2013-0318

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 Energhx Green Energy Corporation ("Energhx"), Licence Numbers ER-2010-0236 and GM-2010-0237.

SUPPLEMENTARY 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 for revocation of Energhx's electricity retailer and gas marketer licences, specifically ER-2010-0236 and GM-2010-0237.

This Notice is supplementary to the Notice of Intention to Make an Order issued by the Board on September 4, 2013 on its own motion under section 112.2 of the Act, providing notice that the Board intends to make an Order under section 112.4 of the Act for revocation of Energhx's electricity retailer and gas marketer licences, specifically ER-2010-0236 and GM-2010-0237.

ALLEGATIONS OF NON-COMPLIANCE

1. Energhx has failed to comply with a condition of its electricity retailer licence, specifically the requirement to pay its 2013-2014 annual licence fee of \$800.00. Failure to comply with a condition of a licence is a breach of an enforceable provision as set out in section 3 of the *Ontario Energy Board Act, 1998*; and

2. Energhx has failed to comply with a condition of its gas marketer licence, specifically the requirement to pay its 2013-2014 annual licence fee of \$800.00. Failure to comply with a condition of a licence is a breach of an enforceable provision as set out in section 3 of the *Ontario Energy Board Act, 1998*.

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

PARTICULARS

Breaches of Licence Conditions – failure to pay annual licence fee for electricity retailer licence and failure to pay annual licence fee for gas marketer licence

As a condition of being licensed, licensees are required to pay all fees charged and amounts assessed by the Board. Energhx's fees for both its gas marketer and electricity retailer licences, in the amount of \$800.00 each, were due May 1, 2013, 30 days after Energhx was invoiced. Energhx did not pay the annual licence fees by May 1, 2013.

THEREFORE TAKE NOTICE that a hearing in respect of this Supplementary Notice of Intention will proceed on the date set for a hearing in respect of the Notice of Intention issued by the Board on September 4, 2013, for which Energhx has already requested a hearing.

FURTHER TAKE NOTICE that at the hearing in respect of the Notice of Intention and this Supplementary Notice of Intention, 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, 112.4 and/or 112.5 of the Act. Energhx is entitled to be present at the hearing with or without counsel and to adduce evidence and make submissions. Should Energhx fail to attend, the hearing may be conducted in its absence and Energhx will not be entitled to any further notice in the proceeding.

The hearing 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, October 4, 2013

ONTARIO ENERGY BOARD

Original signed by

Rosemarie T. Leclair
Chair and CEO