

**Assurance of Voluntary Compliance**

**Pursuant to s. 112.7 of the  
*Ontario Energy Board Act, 1998***

**Ensqr Corp (Ensqr)  
(ES-2012-0461)**

**EB-2016-0200**

**August 2, 2016**

## **I. Breach of Licence Condition and the Unit Sub-Metering Code**

Ensqr admits that it 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).

Ensqr further admits that it 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.

## **II. Background**

On August 10, 2015, the OEB issued a letter to all licensed electricity distributors and unit sub-meter providers outlining self-certification requirements to ensure utilities were undertaking appropriate measures to prepare for the Ontario Electricity Support Program.

*The Ontario Electricity Support Program (OESP) is a low income rate program being implemented by the Ontario Energy Board (OEB) to be in place for January 1, 2016. Licensed electricity distributors and licensed Unit Sub-meter Providers ("Utilities") will be delivering the OESP through the invoices to eligible low income electricity customers.*

*In order to be assured of Utilities' readiness for program implementation as of January 1, 2016, all Utilities are required to file Self-Certification Reports on three milestone dates August 26, 2015, September 28, 2015 and November 30, 2015. The milestones are tied to meeting the overall OESP implementation milestones for customer access to apply for OESP, enrolment with the Utility, and providing the rate reduction on eligible customers' bills.*

*The Self-Certification Report and Guide to Self-Certification provide further details on the process of self-certification and requirements for Utility validation.*

*Condition 14.1 of a Distributor's licence and Condition 6 of a Unit Sub-Meter Provider's licence requires a licensee to file any information the OEB has made a*

*requirement. The filing of a completed Self-Certification Report, as of the date of each of the milestones, is therefore a licence requirement.*

The OEB retained ICF to administer the OESP. ICF is the OESP “central service provider and unit sub-meter providers are required to establish an interface with ICF in order to process applications and apply OESP credits to eligible customers’ bills.

ICF shared an update on utility progress with testing on September 15<sup>th</sup> in which it identified that Ensqr had no progress to that point. The OESP project team (IBM) held a meeting with Ensqr on September 30<sup>th</sup>, 2015 to discuss readiness. At that time Ensqr advised they were implementing the requirements and indicated they would be able to meet the October 29<sup>th</sup>, 2015 application intake start. Testing was expected to be completed by October 15<sup>th</sup>, 2015. Further meetings were scheduled through October through to December with no progress in Ensqr’s readiness to implement the OESP.

During a call with the OESP project team on January 11, 2016, Ensqr claimed that all systems were ready and indicated they would begin processing files immediately. Ensqr also sent a follow-up e-mail indicating they were ready to process OESP files and process the credits for their consumers who enrol.

By way of letter dated April 26, 2016 the OEB wrote to Ensqr and reminded them that the OEB had yet to receive the three completed self-certification reports from Ensqr as required to demonstrate that Ensqr is able to provide the rate reduction on eligible customer bills. Ensqr was reminded that “failure to demonstrate readiness will significantly impact vulnerable consumers who require this program assistance.”

As of today’s date, no self-certification documents have been filed by Ensqr. In addition Ensqr has not provided ICF with the confirmation required to undertake testing or to move into production. To date, 22 Ensqr customers have applied for the OESP. Ensqr admits that as a result of Ensqr’s non-compliance with its licence obligations the applications have not been able to proceed further through the approval process. In addition, these applicants have not received the monthly OESP credits to which they may have otherwise been entitled.

### **III. Assurance**

Ensqr hereby assures the OEB that, effective as of the date of this Assurance, it will take the following steps ensure it is in compliance with its licence obligations and ensure that those customers who may have otherwise been eligible to receive rate assistance at an earlier date and but for Ensqr's non-compliance were unable to do so:

1. Ensqr will bring itself into compliance with its licence obligations, specifically Ensqr will comply with section 6 of its licence by filing the required information with the OEB, in this case its Self-Certification Report, to demonstrate its readiness to implement the OESP by no later August 12, 2016.
2. Ensqr will comply with section 5 of its licence by ensuring it will immediately apply rate assistance to a consumer's bill when it receives notice that a consumer is eligible for rate assistance under the OESP.
3. Ensqr will complete the "Self-Validation Portal" to demonstrate that Ensqr has completed all the technical milestones associated with OESP implementation by no later than August 12, 2016 and will inform OEB staff when this is complete.
4. Ensqr will make a commitment that all eligible customers waiting for OESP will have their applications processed immediately including issuance of a one-time adjustment to account for the time they would have been deemed eligible. The amount of the one-time adjustment is the financial responsibility of Ensqr and for further clarity may not be recovered through the Independent Electricity System Operator settlement process.
5. Ensqr will provide the OEB with a report, which will include a list of those customer names who are entitled to a credit along with their addresses, the date of the first request from the central service provider, the amount of the monthly credit, the total amount of the one-time adjustment and the approximate billing month where the credit will appear within six weeks.
6. Ensqr will send a letter, in the form attached as Appendix A to this Assurance of Voluntary Compliance, to all eligible customers waiting for

rate assistance from the OESP.

7. Ensqr will make a commitment to process new applications in a timely manner according to the established and mandated process. Ensqr will provide OEB staff with a report on a monthly basis for the next six months (August 2016 through to and including February 2017) setting out the customer names of those who are entitled to a credit, the date the application was submitted, and the amount of the monthly credit.
8. Ensqr will take all necessary steps to ensure their website is active with their conditions of service posted on their website and provide a link to the OEB's OESP portal; and
9. Ensqr will take all necessary steps to ensure that it is compliant with the OEB complaint portal; specifically Ensqr will ensure that it has a user name and password and responds to OEB complaints in a thorough and timely manner.
10. Ensqr will pay the OEB an administrative monetary penalty in the amount of \$5000.00 by no later than August 19, 2016.

#### **11. Consumer Rights**

Nothing in this Assurance affects any rights a consumer may have under his or her contract, or under any applicable laws.

#### **12. Failure to Comply**

This Assurance has the same force and effect as an order of the OEB pursuant to section 112.7(2) of the Act and any failure to comply with its terms shall be deemed to be a breach of an order of the OEB.

**13. Execution of Assurance**

I have the authority to bind Ensqr to the terms set out in this Assurance of Voluntary Compliance.

Name:  \_\_\_\_\_

Title: CEO \_\_\_\_\_

Company: Ensqr Corp. \_\_\_\_\_

Dated this 2nd day of August 2016

## APPENDIX A

### Notice of One-Time Adjustment (Credit)

[Date]

[Name]

[Address]

Dear [Customer]

**RE: [Account Holders Name / Account Number]**

Due to delays in processing your Ontario Electricity Support Program (OESP) application Ensqr has been directed by the Ontario Energy Board (OEB) to notify you, as an eligible customer waiting for rate assistance from the OESP, your application will be processed immediately. You are also entitled to a one-time adjustment to your account for the time you would have been deemed eligible. The OEB has directed Ensqr to apply this one-time credit to your account and this will be included in your next statement of account.

The amount of the one-time adjustment is the financial responsibility of Ensqr. If you have any questions about this letter please contact us at [Ensqr contact information]. You may also contact the Ontario Energy Board's Consumer Relations Centre at 1-877-632-2727 or by email at [consumer.relations@ontarioenergyboard.ca](mailto:consumer.relations@ontarioenergyboard.ca)

Yours truly,

Ensqr Corp.

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