



EB-2015-0118
EB-2015-0119

IN THE MATTER OF the *Ontario Energy Board Act*,
1998, S.O. 1998, c. 15, (Schedule B);

AND IN THE MATTER OF applications by Just
Energy Ontario Ltd. to renew Electricity Retailer
Licence ER-2010-0153 and Gas Marketer Licence
GM-2010-0152.

By delegation, before: Peter Fraser

DECISION AND ORDER

July 16, 2015

Just Energy Ontario L.P. (Just Energy) filed an application on March 6, 2015 with the Ontario Energy Board (the OEB) under section 60 of the *Ontario Energy Board Act, 1998* (the OEB Act) for an electricity retailer licence renewal. Just Energy also filed a separate application under section 50 of the OEB Act for its gas marketer licence renewal. Due to the similar nature of the applications, the applications have been combined into one proceeding pursuant to section 21(5) of the OEB Act.

The OEB issued a combined Notice of Applications and Hearing on March 20, 2015, inviting intervention in the hearing and comments on the applications. No parties responded to the notice. OEB staff participated in the hearing and filed written interrogatories on April 22, 2015. Just Energy responded to OEB staff's interrogatories on May 22, 2015. OEB staff filed a submission on June 5, 2015. Just Energy did not file a reply submission.

In order to renew the licences to retail electricity and market natural gas, an applicant must establish that it meets the minimum requirements set out in the O. Reg. 90/99

“Licence Requirements – Electricity Retailers and Gas Marketers” made under the OEB Act:

1. Having regard to the financial position of the applicant, the applicant can reasonably be expected to be financially responsible in the conduct of business.
2. The past conduct of the applicant affords reasonable grounds for belief that the applicant will carry on business in accordance with law and with integrity and honesty.
3. If the applicant is a corporation, the past conduct of its officers and directors affords reasonable grounds for belief that its business will be carried on in accordance with law and with integrity and honesty.
4. The applicant is not carrying on activities that are, or will be, if the applicant is licensed, in contravention of the OEB Act or the regulations or the codes, orders or rules issued or made by the Board.

To evaluate applications for electricity retailer and gas marketer licences, the OEB focuses its consideration of these requirements on the applicant’s financial position, technical capability to operate in the market, and conduct. The record in these cases indicates that Just Energy has met these requirements.

OEB staff in its submission supported the applications. After reviewing the evidence and Just Energy’s interrogatory responses respecting its compliance and customer service practices, OEB staff submitted that Just Energy’s electricity retailer and gas marketer licences be renewed for the five year term. OEB staff took the position that Just Energy can reasonably be expected to be financially responsible in the conduct of its business and that it has adequate technical capabilities to operate in the Ontario market.

With respect to the applicant’s conduct, OEB staff noted that in the last five years Just Energy has provided the OEB with five Assurances of Voluntary Compliance for certain contraventions of the *Energy Consumer Protection Act, 2010* and the OEB’s Code of Conduct for Electricity Retailers. However, OEB staff concluded that Just Energy now has the appropriate systems, policies, procedures and controls in place to comply with its statutory and regulatory obligations as well as the provisions set out in the OEB’s

Codes. OEB staff further submitted that there is no evidence to suggest that Just Energy is not conducting itself in a manner consistent with the OEB's Codes and Rules.

Based on the evidence, I find that it is in the public interest to grant Just Energy an electricity retailer licence under Part V of the OEB Act and a gas marketer licence under Part IV of the OEB Act. The record does not suggest any issues regarding finances or technical competence, and the evidence regarding conduct at this time is satisfactory.

IT IS THEREFORE ORDERED THAT:

1. The application for an electricity retailer licence is granted, on such conditions as are contained in the attached licence.
2. The application for a gas marketer licence is granted, on such conditions as are contained in the attached licence.

DATED at Toronto, July 16, 2015

ONTARIO ENERGY BOARD

Original signed by

Peter Fraser
Vice President, Industry Operations and Performance