



EB-2010-0236
EB-2010-0237

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

AND IN THE MATTER OF an application under section 60 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, Schedule B to renew Energhx Green Energy Corporation's electricity retailer licence.

AND IN THE MATTER OF an application under section 50 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, Schedule B to renew Energhx Green Energy Corporation's gas marketer licence;

DECISION AND PROCEDURAL ORDER No. 3

Energhx Green Energy Corporation, carrying on business as Energhx Consulting ("Energhx") filed an application with the Ontario Energy Board, received on June 8, 2010, under section 60 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, Schedule B to renew its electricity retailer licence. Energhx also filed an application under section 50 of the Act to renew its gas marketer licence. The Board has assigned the applications file numbers EB-2010-0236 and EB-2010-0237, respectively.

The Board issued a Notice of Application and Written Hearing on September 7, 2010. Only Board staff participated in the hearing. The record for these applications closed on November 24, 2010. A decision on these applications has not yet been issued. The terms of the licences that are the subject of the renewal applications were extended to January 31, 2011.

The Board notes that Board staff submitted that the licence applications should be denied, in part because the consumer contracts the applicant proposed to use in its electricity retailing and gas marketing businesses were not compliant with legislation

and Board Codes of Conduct. However, in accordance with new legislative and regulatory requirements that came into force on January 1, 2011, the applicant filed Certificates of Compliance relating to its consumer contracts, salespersons, marketing and other matters pertaining to its licences. The Certificates of Compliance that Energhx filed with the Board are attached as Schedule A.

The Board considers it necessary to re-open the record to provide Energhx with an opportunity to submit evidence of actual compliance with the current legislative and regulatory requirements. The materials required below would have had to be completed before the applicant could complete the self-certification, and should therefore be readily available.

Considering the time required to review this additional evidence, I find that it is in the public interest to make an order extending the term of licences ER-2009-0189 and GM-2009-0188 until such time as the renewal applications are determined or March 31, 2011, whichever is earlier. The applicant is reminded that this decision does not constitute a final decision on the applications.

THE BOARD ORDERS THAT:

1. The term of the electricity retailer licence ER-2009-0189 is extended until the final determination of the renewal application or March 31, 2011 whichever is earlier.
2. The term of the gas marketer licence GM-2009-0188 is extended until the final determination of the renewal application or March 31, 2011 whichever is earlier.
3. Energhx shall file with the Board a list of consumers who are presently being supplied natural gas or electricity by Energhx under the authority of the licences. This list should be marked confidential if it discloses names, addresses or other personal information of the consumers.
4. In relation to licence ER-2009-0189, Energhx shall file with the Board:
 - a. Re: Text-based contracts (section 2 of the Certificate of Compliance)
 - Contract template for the sale of electricity commodity to consumers;
 - The required disclosure statement; and

- The required price comparison.
- b. Re: Salespersons (section 1 of the Certificate of Compliance)
- Training materials and test results of Energhx salespersons engaged in the sale of electricity on behalf of Energhx.
5. In relation to licence GM-2009-0188, Energhx shall file with the Board:
- a. Re: Text-based contracts (section 2 of the Certificate of Compliance)
- Contract template for the sale of natural gas commodity to consumers;
 - The required disclosure statement; and
 - The required price comparison.
- b. Re: Salespersons (section 1 of the Certificate of Compliance)
- Training materials and test results of Energhx salespersons engaged in the sale of natural gas on behalf of Energhx.
6. All materials required by this Order shall be filed with the Board no later than **February 4, 2011.**

All filings to the Board must quote file numbers EB-2010-0236 and EB-2010-0237, be made through the Board's web portal at www.errr.oeb.gov.on.ca, and consist of two paper copies and one electronic copy in searchable/unrestricted PDF format. Filings must clearly state the sender's name, postal address and telephone number, fax number and e-mail address. Please use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at www.oeb.gov.on.ca. If the web portal is not available you may email your document to the address below. Those who do not have internet access are required to submit all filings on a CD in PDF format, along with two paper copies. Those who do not have computer access are required to file 7 paper copies.

All communications should be directed to the attention of the Board Secretary at the address below, and be received no later than 4:45 p.m. on the required date.

Addresses

The Board

Ontario Energy Board
P.O. Box 2319
2300 Yonge Street, 27th Floor
Toronto ON M4P 1E4
Attention: Board Secretary

Tel: 1-877-632-2727 (toll free)
Fax: 416-440-7656
E-mail: Boardsec@oeb.gov.on.ca

The Applicant

Energhx Green Energy Corporation
73 Compata Way
Ottawa ON K1B 4X1
Attention: Ms. Theresa Ogedengbe

Tel: (613) 800-0437x625
Toll Free: 1-888-215-0437 x625
Fax: 1(613) 824-2146
E-mail: amarachi@energhx.com

DATED at Toronto, January 28, 2011

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary

Attachments:

Schedule A

Certificate of Compliance in Relation to Licence ER-2009-0189
Certificate of Compliance in Relation to Licence GM-2009-0188

(See separate documents attached)

SCHEDULE "A"

To Decision and Procedural Order No. 3

EB-2010-0236

EB-2010-0237

Energhx Green Energy Corporation

January 28, 2011

Electricity Retailer Certificate of Compliance

Under Section 6.1 of the Electricity Retailer Code of Conduct

Part I: Definitions and Interpretation

1.1 In this Certificate:

“applicable legal and regulatory requirements” means all applicable requirements under the *Energy Consumer Protection Act, 2010*, the *Ontario Energy Board Act, 1998*, regulations made under those Acts, a licence issued under section 57(d) of the *Ontario Energy Board Act, 1998* and any code issued by the Board under section 70.1 of the *Ontario Energy Board Act, 1998* that are in force on the Effective ECPA Date;

“Effective Certification Date” means the later of the Effective ECPA Date and the date on which this Certificate is signed by the Retailer and filed with the Board;

“Effective ECPA Date” means January 1, 2011;

“low volume consumer” has the meaning given to it in the Board's Electricity Retailer Code of Conduct;

“Retailer” means the licensed retailer identified in the opening paragraph of Part II;

“salesperson” has the meaning given to it in the Board's Electricity Retailer Code of Conduct;

“text-based” has the meaning given to it in the *Energy Consumer Protection Act, 2010*; and

“verification representative” has the meaning given to it in the Board's Electricity Retailer Code of Conduct.

1.2 Unless otherwise defined in this Certificate, words and phrases shall have the meanings given to them in the *Ontario Energy Board Act, 1998*, the *Energy Consumer Protection Act, 2010* or the regulations made under those Acts.

1.3 In this Certificate, “N/A” in relation to a given statement means that the Retailer will not, as of the Effective Certification Date and for a period of not less than 1 month thereafter, carry on the activity to which the statement relates.

1.4 All statements in this Certificate pertain to retailing to low volume consumers.

Part II: Certification

I, Emmanuel O.B Ogedengbe; Consultant & Chief Executive Officer; and Energhx Green Energy Corporation

having made all necessary enquiries, certify on behalf of the Retailer that:

Confirmation of Retailing Activities		
The channels that the Retailer intends to use for the purpose of retailing electricity as of the Effective Certification Date are the following:	Yes	No
(A) Door-to-Door	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(B) Exhibitions	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(C) Trade shows	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(D) Direct Mail	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(E) Retailer's place of business	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(F) Internet	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(G) Telephone Renewals	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(H) Other (please specify below)	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Certificate of Compliance		
1. Salespersons	Yes	N/A
(A) All salespersons acting on behalf of the Retailer have undergone training and testing in accordance with all applicable legal and regulatory requirements	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(B) Each salesperson acting on behalf of the Retailer has been provided with business cards that meet all applicable legal and regulatory requirements	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(C) Each salesperson acting on behalf of the Retailer has been provided with an identification badge that meets all applicable legal and regulatory requirements	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(D) The Retailer's practices for hiring or contracting for salespersons are such that on and after the Effective Certification Date, those persons can be expected to conduct their activities in compliance with all applicable legal and regulatory requirements and with integrity and honesty	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(E) Adequate processes and controls, designed to ensure that the conduct of salespersons on and after the Effective Certification Date is in accordance with all applicable legal and regulatory requirements, are in place	<input checked="" type="checkbox"/>	<input type="checkbox"/>

2. Sales using a text-based contract	Yes	N/A
(A) All contract offers, contracts and promotional material pertaining to the sale of electricity to consumers have been prepared or revised as required to comply with all applicable legal and regulatory requirements and only offers, contracts and promotional material that so comply will be used on and after the Effective Certification Date	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(B) The required disclosure statement and price comparison will be used on and after the Effective Certification Date in accordance with all applicable legal and regulatory requirements	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(C) Adequate processes and controls, designed to ensure that the text-based contracting process on and after the Effective Certification Date is conducted in accordance with all applicable legal and regulatory requirements, are in place	<input checked="" type="checkbox"/>	<input type="checkbox"/>

3. Sales using the internet	Yes	N/A
(A) The Retailer's internet website and internet contracting process have been prepared or revised to comply with all applicable legal and regulatory requirements	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(B) All contract offers, contracts and promotional material pertaining to the sale of electricity to consumers have been prepared or revised as required to comply with all applicable legal and regulatory requirements and only offers, contracts and promotional material that so comply will be used on and after the Effective Certification Date	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(C) The required disclosure statement and price comparison will be used on and after the Effective Certification Date in accordance with all applicable legal and regulatory requirements	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(D) Adequate processes and controls, designed to ensure that the internet contracting process on and after the Effective Certification Date is conducted in accordance with all applicable legal and regulatory requirements, are in place	<input type="checkbox"/>	<input checked="" type="checkbox"/>

4. Verification	Yes	N/A
(A) No verification representative acting on behalf of the Retailer will be remunerated on and after the Effective Certification Date in a manner contrary to any applicable legal and regulatory requirements	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(B) All verification representatives acting on behalf of the Retailer have undergone training and testing in accordance with all applicable legal and regulatory requirements	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(C) All verification representatives acting on behalf of the Retailer have been instructed to do so using the verification call script approved by the Board	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(D) Adequate processes and controls, designed to ensure that each verification call made or received by the Retailer on and after the Effective Certification Date (including a call from a consumer for the purpose of giving notice not to verify) is recorded and that a copy of the call recording can be retrieved and provided to the consumer upon request in accordance with all applicable legal and regulatory requirements, are in place	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(E) Adequate processes and controls, designed to ensure that the verification of electricity contracts with consumers on and after the Effective Certification Date is conducted in accordance with all applicable legal and regulatory requirements, are in place	<input checked="" type="checkbox"/>	<input type="checkbox"/>

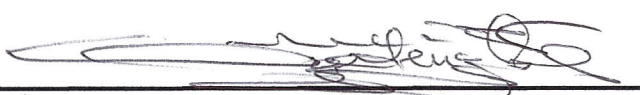
5. Contract Renewals and Extensions	Yes	N/A
(A) All contract renewal/extension offers, contract renewal/extension forms and promotional material pertaining to the renewal/extension of electricity contracts with consumers have been prepared or revised in accordance with all applicable legal and regulatory requirements and only contract renewal/extension offers, renewal/extension forms and promotional material that so comply will be used	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(B) The required disclosure statement and price comparison will be used on and after the Effective Certification Date in accordance with all applicable legal and regulatory requirements	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(C) All salespersons conducting telephone renewals on behalf of the Retailer have undergone training and testing in accordance with all applicable legal and regulatory requirements	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(D) All salespersons conducting renewal calls on behalf of the Retailer have been instructed to do so using the renewal call script approved by the Board	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(E) Adequate processes and controls, designed to ensure that each renewal/extension call made or received by the Retailer on and after the Effective Certification Date (including a call from a consumer for the purpose of giving notice not to renew/extend) is recorded and that a copy of the call recording can be retrieved and provided to the consumer upon request in accordance with all applicable legal and regulatory requirements, are in place	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(F) Adequate processes and controls, designed to ensure that the renewal/extension of electricity contracts with consumers on and after the Effective Certification Date is conducted in accordance with all applicable legal and regulatory requirements, are in place	<input type="checkbox"/>	<input checked="" type="checkbox"/>

6. Contract Amendments	Yes	N/A
(A) Adequate processes and controls, designed to ensure that the amendment of any electricity contract with a consumer on and after the Effective Certification Date is conducted in accordance with all applicable legal and regulatory requirements, are in place	<input type="checkbox"/>	<input checked="" type="checkbox"/>

7. Cancellations and Retractions	Yes	N/A
(A) Adequate processes and controls, designed to ensure that the cancellation of any contract with a consumer on and after the Effective Certification Date is processed in accordance with all applicable legal and regulatory requirements, including as to the payment of any refund to which the consumer may by law be entitled and to the switching of the consumer back to the consumer's utility, are in place	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(B) Adequate processes and controls, designed to ensure that the retraction of the renewal/extension of any electricity contract by a consumer on and after the Effective Certification Date is processed in accordance with all applicable legal and regulatory requirements, including as to the switching of the consumer back to the consumer's utility, are in place	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(C) Adequate processes and controls, designed to ensure that each cancellation call and each retraction call received by the Retailer on and after the Effective Certification Date is recorded and that a copy of the call recording can be retrieved and provided to the consumer upon request in accordance with all applicable legal and regulatory requirements, are in place	<input checked="" type="checkbox"/>	<input type="checkbox"/>

8. Complaint Handling	Yes	N/A
(A) Adequate processes and controls are in place to ensure that consumer complaints on and after the Effective Certification Date alleging non-compliance with any applicable legal or regulatory requirement can be received and are reviewed by the Retailer in a timely manner	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(B) Adequate processes and controls are in place to ensure that remedial action is taken in a timely manner to address consumer complaints referred to in (A) above, with the consumer and/or with any person that is the subject of the complaint	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Date of Filing: December 15, 2010


Signature

Consultant & Chief Executive Officer
Title

Notes:

1. In accordance with section 6.3 of the Board's Electricity Retailer Code of Conduct, this Certificate must be signed by the Retailer's Chief Executive Officer, Chief Operating Officer, President or other person of equivalent position.
2. It is an offence under section 126(1)(b) of the *Ontario Energy Board Act, 1998* to knowingly furnish false or misleading information in any application, statement or return made under that Act or in any circumstances where information is required or authorized to be provided under that Act.

**Gas Marketer
Certificate of Compliance
Under Section 6.1 of the Code of Conduct for Gas Marketers**

Part I: Definitions and Interpretation

1.1 In this Certificate:

“applicable legal and regulatory requirements” means all applicable requirements under the *Energy Consumer Protection Act, 2010*, the *Ontario Energy Board Act, 1998*, regulations made under those Acts, a licence issued under section 48 of the *Ontario Energy Board Act, 1998* and any rule made by the Board under section 44 of the *Ontario Energy Board Act, 1998* that are in force on the Effective ECPA Date;

“Effective Certification Date” means the later of the Effective ECPA Date and the date on which this Certificate is signed by the Gas Marketer and filed with the Board;

“Effective ECPA Date” means January 1, 2011;

“Gas Marketer” means the licensed gas marketer identified in the opening paragraph of Part II;

“salesperson” has the meaning given to it in the Board's Code of Conduct for Gas Marketers;

“text-based” has the meaning given to it in the *Energy Consumer Protection Act, 2010*; and

“verification representative” has the meaning given to it in the Board's Code of Conduct for Gas Marketers.

1.2 Unless otherwise defined in this Certificate, words and phrases shall have the meanings given to them in the *Ontario Energy Board Act, 1998*, the *Energy Consumer Protection Act, 2010* or the regulations made under those Acts.

1.3 In this Certificate, “N/A” in relation to a given statement means that the Gas Marketer will not, as of the Effective Certification Date and for a period of not less than 1 month thereafter, carry on the activity to which the statement relates.

Part II: Certification

I, Emmanuel O.B Ogedengbe; Consultant & Chief Executive Officer; and Energhx Green Energy Corporation

having made all necessary enquiries, certify on behalf of the Gas Marketer that:

Confirmation of Marketing Activities		
The channels that the Gas Marketer intends to use for the purpose of marketing gas as of the Effective Certification Date are the following:	Yes	No
(A) Door-to-Door	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(B) Exhibitions	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(C) Trade shows	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(D) Direct Mail	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(E) Gas Marketer's place of business	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(F) Internet	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(G) Telephone Renewals	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(H) Other (please specify below)	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Certificate of Compliance		
1. Salespersons	Yes	N/A
(A) All salespersons acting on behalf of the Gas Marketer have undergone training and testing in accordance with all applicable legal and regulatory requirements	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(B) Each salesperson acting on behalf of the Gas Marketer has been provided with business cards that meet all applicable legal and regulatory requirements	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(C) Each salesperson acting on behalf of the Gas Marketer has been provided with an identification badge that meets all applicable legal and regulatory requirements	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(D) The Gas Marketer's practices for hiring or contracting for salespersons are such that on and after the Effective Certification Date, those persons can be expected to conduct their activities in compliance with all applicable legal and regulatory requirements and with integrity and honesty	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(E) Adequate processes and controls, designed to ensure that the conduct of salespersons on and after the Effective Certification Date is in accordance with all applicable legal and regulatory requirements, are in place	<input checked="" type="checkbox"/>	<input type="checkbox"/>

2. Sales using a text-based contract	Yes	N/A
(A) All contract offers, contracts and promotional material pertaining to the sale of gas to consumers have been prepared or revised as required to comply with all applicable legal and regulatory requirements and only offers, contracts and promotional material that so comply will be used on and after the Effective Certification Date	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(B) The required disclosure statement and price comparison will be used on and after the Effective Certification Date in accordance with all applicable legal and regulatory requirements	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(C) Adequate processes and controls, designed to ensure that the text-based contracting process on and after the Effective Certification Date is conducted in accordance with all applicable legal and regulatory requirements, are in place	<input checked="" type="checkbox"/>	<input type="checkbox"/>

3. Sales using the internet	Yes	N/A
(A) The Gas Marketer's internet website and internet contracting process have been prepared or revised to comply with all applicable legal and regulatory requirements	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(B) All contract offers, contracts and promotional material pertaining to the sale of gas to consumers have been prepared or revised as required to comply with all applicable legal and regulatory requirements and only offers, contracts and promotional material that so comply will be used on and after the Effective Certification Date	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(C) The required disclosure statement will be used on and after the Effective Certification Date in accordance with all applicable legal and regulatory requirements	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(D) Adequate processes and controls, designed to ensure that the internet contracting process on and after the Effective Certification Date is conducted in accordance with all applicable legal and regulatory requirements, are in place	<input type="checkbox"/>	<input checked="" type="checkbox"/>

4. Verification	Yes	N/A
(A) No verification representative acting on behalf of the Gas Marketer will be remunerated on and after the Effective Certification Date in a manner contrary to any applicable legal and regulatory requirements	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(B) All verification representatives acting on behalf of the Gas Marketer have undergone training and testing in accordance with all applicable legal and regulatory requirements	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(C) All verification representatives acting on behalf of the Gas Marketer have been instructed to do so using the verification call script approved by the Board	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(D) Adequate processes and controls, designed to ensure that each verification call made or received by the Gas Marketer on and after the Effective Certification Date (including a call from a consumer for the purpose of giving notice not to verify) is recorded and that a copy of the call recording can be retrieved and provided to the consumer upon request in accordance with all applicable legal and regulatory requirements, are in place	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(E) Adequate processes and controls, designed to ensure that the verification of gas contracts with consumers on and after the Effective Certification Date is conducted in accordance with all applicable legal and regulatory requirements, are in place	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5. Contract Renewals and Extensions	Yes	N/A
(A) All contract renewal/extension offers, contract renewal/extension forms and promotional material pertaining to the renewal/extension of gas contracts with consumers have been prepared or revised in accordance with all applicable legal and regulatory requirements and only contract renewal/extension offers, renewal/extension forms and promotional material that so comply will be used	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(B) The required disclosure statement and price comparison will be used on and after the Effective Certification Date in accordance with all applicable legal and regulatory requirements	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(C) All salespersons conducting telephone renewals on behalf of the Gas Marketer have undergone training and testing in accordance with all applicable legal and regulatory requirements	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(D) All salespersons conducting renewal calls on behalf of the Gas Marketer have been instructed to do so using the renewal call script approved by the Board	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(E) Adequate processes and controls, designed to ensure that each renewal/extension call made or received by the Gas Marketer on and after the Effective Certification Date (including a call from a consumer for the purpose of giving notice not to renew/extend) is recorded and that a copy of the call recording can be retrieved and provided to the consumer upon request in accordance with all applicable legal and regulatory requirements, are in place	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(F) Adequate processes and controls, designed to ensure that the renewal/extension of gas contracts with consumers on and after the Effective Certification Date is conducted in accordance with all applicable legal and regulatory requirements, are in place	<input type="checkbox"/>	<input checked="" type="checkbox"/>

6. Contract Amendments	Yes	N/A
(A) Adequate processes and controls, designed to ensure that the amendment of any gas contract with a consumer on and after the Effective Certification Date is conducted in accordance with all applicable legal and regulatory requirements, are in place	<input type="checkbox"/>	<input checked="" type="checkbox"/>

7. Cancellations and Retractions	Yes	N/A
(A) Adequate processes and controls, designed to ensure that the cancellation of any contract with a consumer on and after the Effective Certification Date is processed in accordance with all applicable legal and regulatory requirements, including as to the payment of any refund to which the consumer may by law be entitled and to the switching of the consumer back to the consumer's utility, are in place	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(B) Adequate processes and controls, designed to ensure that the retraction of the renewal/extension of any gas contract by a consumer on and after the Effective Certification Date is processed in accordance with all applicable legal and regulatory requirements, including as to the switching of the consumer back to the consumer's utility, are in place	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(C) Adequate processes and controls, designed to ensure that each cancellation call and each retraction call received by the Gas Marketer on and after the Effective Certification Date is recorded and that a copy of the call recording can be retrieved and provided to the consumer upon request in accordance with all applicable legal and regulatory requirements, are in place	<input checked="" type="checkbox"/>	<input type="checkbox"/>

8. Complaint Handling	Yes	N/A
(A) Adequate processes and controls are in place to ensure that consumer complaints on and after the Effective Certification Date alleging non-compliance with any applicable legal or regulatory requirement can be received and are reviewed by the Gas Marketer in a timely manner	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(B) Adequate processes and controls are in place to ensure that remedial action is taken in a timely manner to address consumer complaints referred to in (A) above, with the consumer and/or with any person that is the subject of the complaint	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Date of Filing:

December 15, 2010



Signature

Consultant & Chief Executive Officer

Title

Notes:

1. In accordance with section 6.3 of the Board's Code of Conduct for Gas Marketers, this Certificate must be signed by the Gas Marketer's Chief Executive Officer, Chief Operating Officer, President or other person of equivalent position.
2. It is an offence under section 126(1)(b) of the *Ontario Energy Board Act, 1998* to knowingly furnish false or misleading information in any application, statement or return made under that Act or in any circumstances where information is required or authorized to be provided under that Act.

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