



EB-2011-0315

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 an Administrative Penalty against
Planet Energy (Ontario) Corp., Licence Numbers ER-2006-
0341 and GM-2008-0303

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

I. INTRODUCTION

By Notice of Intention to Make an Order (the "Notice") under section 112.3 and 112.5 of the *Ontario Energy Board Act, 1998*, (the "Act") for compliance and an administrative penalty issued August 25, 2011 the Board announced that it intended to make an order against Planet and to pay an administrative penalty in the amount of \$35,000. Pursuant to s. 112.2(4) Planet was advised that it may, within 15 days after receiving the notice, give notice to the Board requiring the Board to hold a hearing. Planet has elected not to request a hearing and in order to fully and finally resolve this matter Planet is prepared to admit to the deficiencies set out in the Notice and to enter into this Assurance of Voluntary Compliance.

II. COMPLIANCE INSPECTION

Following the enactment of the *Energy Consumer Protection Act, 2010* (the “ECPA”) and supporting regulatory instruments on January 1, 2011, the Board had a series of compliance inspections of electricity retailers and gas marketers operating in the Ontario market.

The purpose of the inspections was to confirm the statements made in the Certificate of Compliance filed by the supplier and to assess the extent to which electricity retailers’ and gas marketers’ practices and processes are in compliance with all applicable legal and regulatory requirements including the ECPA, Ontario Regulation 389/10, Ontario Regulation 90/99, the Code of Conduct for Gas Marketers (“Marketers Code”) and the Electricity retailer Code of Conduct (“Retailer Code”) (collectively referred to as the “Codes”). In addition, the extent to which supplier systems, processes and business practices are appropriate in terms of facilitating and achieving compliance and identifying the need for remedial action was assessed. The inspection was limited to the activities of suppliers related to the retailing of electricity or the marketing of gas to low-volume consumers as defined in the Act.

III Assurance of Voluntary Compliance

Requirements for Identification Badges

Planet admits to the following deficiency set out in the Notice:

1. The standard form Identification Badge issued to all salespersons who meet in person with low-volume consumers fails to state that the salesperson is (a) not associated with any electricity or gas distributor or government contrary to section 6 of Ontario Regulation 90/99; and (b) not a representative of the

consumer's electricity or gas distributor and is not associated with the Ontario Energy Board or the Government of Ontario; contrary to section 2.4 (a) of the Codes.

Subsequent to the issuance of the Notice, Planet has provided to Board staff a revised form of identification badge issued to all salespersons who meet with low volume consumers. It is Board staff's view that the above noted deficiency has been remedied.

Planet commits to ensuring that, effective as of the date of this Assurance, the identification badge issued to every salesperson who meets in person with low volume consumers meets the requirements set out in section 6 of Ontario Regulation 90/99, and section 2.4(a) of the Codes.

Business Cards

Planet admits to the following deficiencies set out in the Notice:

2. The standard form Business Card issued to all salespersons who meet in person with low-volume consumers fails to state Planet Energy's website address; contrary to section 5 of Ontario Regulation 90/99 and section 2.2(e) of the Codes.
3. As the business cards are non-compliant with the legal and regulatory requirements, it is likely that the use of such business cards by Planet Energy salespersons will likely result in a breach of section 5(6) (ii) of Ontario Regulation 389/10 and section 1.1 (b) and 2.1 of the Codes.

Subsequent to the issuance of the Notice, Planet provided to Board staff a revised form of the business cards issued to all salespersons who meet in person with low volume consumers. It is Board staff's view that the above noted deficiencies have been remedied.

Planet commits to ensuring that, effective as of the date of this Assurance, the business card issued to every salesperson who meets in person with low volume consumers meets the requirements set out in section 5 of Ontario Regulation 90/99, section 5(6)(ii)

of Ontario Regulation 389/10 and sections 1.1(b), 2.1 and 2.2 (e) of the Codes.

Written Confirmation of Cancellation

Planet admits to the following deficiencies set out in the Notice

4. In 16 of 26 electricity cancellation transactions reviewed (sample numbers 2, 4, 5, 7-15, 18, 19 and 25) it was observed that Planet Energy issued the required written confirmation of the cancellation to the consumer in excess of 10 days following the cancellation call. This is contrary to the requirement to issue the written confirmation promptly following the cancellation call contrary to section 22(4)(b) of Ontario Regulation 389/10 and section 19 of the ECPA. A list of the specific contracts is attached at Appendix A.
5. In 16 of the 25 gas cancellation transactions reviewed (samples 2-7, 11-18, 23 and 25) Planet Energy issued the written confirmation of the cancellation to the consumer in excess of 10 days following the cancellation call. This is contrary to the requirement to issue the written confirmation promptly following the cancellation call contrary to section 22(4)(b) of Ontario Regulation 389/10 and section 19 of the ECPA. A list of the specific contracts is attached at Appendix A.

Planet commits to ensuring that, effective as of the date of this Assurance, written confirmation of a cancellation to a consumer will be made promptly and in accordance with section 22(4)(b) of Ontario Regulation 389/10.

IV Administrative Monetary Penalty

Active agrees to pay an administrative monetary penalty in the amount of \$30,000 to the Board by way of certified cheque on or before September 30th, 2011 payable in three installments as follows:

1. October 1, 2011 – payment of \$10,000
2. November 15, 2011 – payment of \$10,000

3. January 1st, 2012 – payment of \$10,000

V Consumer Rights

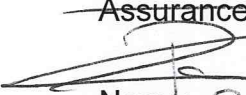
Nothing in this Assurance affects any rights a consumer may have under his or her contract, the ECPA or any other law.

VII Failure to Comply

This Assurance has the same force and effect as an order of the Board 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 Board.

I have authority to bind Planet Energy (Ontario) Corp. to the terms set out in this

~~Assurance of Voluntary Compliance:~~


Name: P. DeVries, President & CEO

Dated: September 12, 2011