



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 ORDER

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* (the "Act") 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.

The *Energy Consumer Protection Act, 2010* ("ECPA") came into force on January 1, 2011.

On January 28, 2011 the Board re-opened the record and extended the terms of the licences that are the subject of the renewal applications to March 31, 2011, to provide Energhx with an opportunity to submit evidence of compliance with the

current legislative and regulatory requirements. Energhx filed the evidence on February 2, 2011.

Following the enactment of the ECPA, the Board commenced a series of compliance inspections of those electricity retailers and gas marketers that filed a Certificate of Compliance with the Board. The inspection included Energhx.

To allow time to complete the compliance inspections and the related review process, the terms of the licences with respect to Energhx's renewal applications were extended to October 31, 2011. On August 25, 2011 the Board issued a Notice of Intention to Make an Order for Compliance, Suspension and to Impose an Administrative Penalty against Energhx under the Act for breaches of enforceable provisions as defined in section 3 of the Act. In a letter dated September 9, 2011, Energhx requested a hearing regarding the Notice.

The hearing requested by Energhx is currently scheduled for November 29, 2011. Accordingly, a final decision on these applications has not yet been made. To allow the applicant to continue with its licensed business activities uninterrupted while the Board proceeds with a hearing, I find that it is in the public interest to make an order extending the terms of licences ER-2009-0189 and GM-2009-0188 until such time as the renewal applications are determined or April 30, 2012, whichever is earlier. The applicant is reminded that this decision does not constitute a final decision on the retailer and marketer 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 April 30, 2012 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 April 30, 2012 whichever is earlier.

DATED at Toronto, **October 31, 2011**

ONTARIO ENERGY BOARD

Original signed by

Jennifer Lea
Special Advisor, Market Operations