



**EB-2012-0280**

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

**AND IN THE MATTER OF** a Notice of Intention to Make an  
Order for Suspension of a Licence against Energhx Green  
Energy Corporation, Licence Numbers ER-2009-0189 and  
GM-2009-0188.

**NOTICE OF INTENTION TO MAKE AN ORDER FOR SUSPENSION OF A LICENCE  
UNDER s. 112.4 of the *ONTARIO ENERGY BOARD ACT, 1998***

The Ontario Energy Board (the “Board”), on its own motion under section 112.2 of the Act, intends to make an Order under section 112.4 of the Act seeking suspension of Energhx Green Energy Corporation (“Energhx”) electricity retailer licence and gas marketer licence for failure to comply with its licence condition to file an Annual Self-Certification Statement on Compliance with the Board certifying that it is in compliance with the legal and regulatory requirements to carry on business in particular sales channels.

**ALLEGATIONS OF NON COMPLIANCE**

It is alleged that Energhx has contravened section 4 of Ontario Regulation 90/99, section 6.4 of the Electricity Retailer Code of Conduct and section 6.4 of the Code of Conduct for Gas Marketers.

## **PARTICULARS**

### **Filing of Annual Self-Certification Statement on Compliance**

1. Energhx has not filed an annual self-certification statement on compliance with the Board; contrary to section 4 of Ontario Regulation 90/99 and section 6.4 of the Electricity Retailer Code of Conduct and section 6.4 of the Code of Conduct for Gas Marketers.

**THEREFORE TAKE NOTICE** that Energhx may request, within fifteen days after receiving this Notice, that the Board hold a hearing on these matters. If no request for hearing is made within this time period, the Board may proceed to make an Order suspending Energhx's electricity retailer licence and gas marketer licence.

**FURTHER TAKE NOTICE** that if a hearing is requested, the Board is not bound by the above and has discretion, upon finding a contravention(s) of the Act, to make any order it deems appropriate under sections 112.3, 112.4 and/or 112.5 of the Act. Energhx is entitled to be present at the hearing with or without counsel and to adduce evidence and make submissions. Should Energhx fail to attend, the hearing may be conducted in its absence and Energhx will not be entitled to any further notice in the proceeding.

In order to respond to this Notice and request a hearing, Energhx must file 3 copies of this request with the office of the Board Secretary at the following address:

Ontario Energy Board  
P.O. Box 2319  
2300 Yonge Street, 27<sup>th</sup> Floor  
Toronto ON M4P 1E4  
Attention: Board Secretary  
Email: [Boardsec@ontarioenergyboard.ca](mailto:Boardsec@ontarioenergyboard.ca)  
Tel: 1-888-632-6273  
Fax: 416-440-7656

If a hearing is requested it will proceed before a Panel of the Board, at the offices of the Ontario Energy Board, 2300 Yonge Street, Toronto, Ontario, on a date to be set by the Board.

**Dated** at Toronto, July 10, 2012

**ONTARIO ENERGY BOARD**

*Original signed by*

Rosemarie T. Leclair  
Chair and CEO