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**Ms. Kirsten Walli**  
**Board Secretary**  
**Ontario Energy Board**  
**P.O. Box 2319**  
**2300 Yonge Street, Suite 2700**  
**Toronto, ON M4P 1E4**

**January 14, 2016**

**Re: Notice of Proposal to Amend Various Codes of the Board and Specifying a Mandatory Record Retention Period for Regulated Entities; Board File: EB-2015-0247**

Dear Ms. Walli,

Planet Energy (Ontario) Corp. ["Planet Energy"] would like to thank you for the opportunity to comment on the noted docket, EB-2015-0247.

Planet Energy was in receipt of the Board's notice on November 11, 2015, in which Planet Energy noted that the Board stated that there would be a chance to participate in discussions relating to the noted docket. However, to Planet Energy's knowledge, this has not taken place. Planet Energy requests that a formal consultation and discussion process be held by the Board, given the complexity and serious implications of the proposed changes.

However, barring any further extension, Planet Energy would like to submit the following comments for consideration.

Planet Energy believes that the requirement to retain certain records for a minimum period of current calendar year plus nine (9) years, to be unreasonable in the application towards Retailers and Marketers. However, Planet Energy would recommend clarifying when the nine year period is to commence. Similar to other regulations, such as Canada Revenue Agency, a period of time for records to be retained has a defined start period. Without a defined start period, the proposed timeline cannot be adhered to.

In respect of Canada Revenue Agency, the legal requirement for individuals and businesses, inclusive of corporations, is to retain records for a period of a minimum of six years from the end of the last tax year to which the records relate<sup>1</sup>. Planet Energy recommends that if changes are to be made, that the changes mirror the record retention periods of the Canada Revenue Agency.

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<sup>1</sup> <http://www.cra-arc.gc.ca/> - No. IC78-10R5, Retention period, Section 26

In addition, Planet Energy would like to note that a typical Retailer and/or Marketer's licence is for a period of no greater than 5 years (with shorter terms having been applied). It is counterintuitive to require businesses to retain records beyond a period where they may not be in service, and/or licenced to operate. While this record retention period can be applied to Utilities, given the nature of their business operations, it is as noted, counterintuitive to apply similar standards to Retailers and/or Marketers, as there are for all intent and purpose, no similarities between the two businesses.

It has been noted through various dockets that Retailers and Marketers do not operate under the same conditions, regulations, legal applications, structures or models as Utilities. The increased costs associated with the proposed changes for record retention of nine years can, and will be recouped directly from consumers by other regulated entities via non-commodity related charges. However, Retailers and/or Marketers have no option but to incorporate these changes, and the subsequent cost (which is significant), into its commodity pricing. This directly effects consumers by increasing pricing and creating an anti-competitive environment within Ontario's retail energy sector, as other regulated entities such as Utilities, will recoup these costs via other channels.

Planet Energy would once again like to thank the Board for the opportunity to comment. Please contact Planet Energy should you have any questions or comments with the noted recommendations.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Small', written in a cursive style.

Jordan Small  
Director, Regulatory Affairs and Compliance  
Planet Energy (Ontario) Corp.