



EB-2016-0380

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 under section 112.4 of the *Ontario Energy Board Act*,
1998 for Revocation of a Licence against Ensqr Corporation
(Licence Number ES-2012-0461).

PROCEDURAL ORDER NO. 5

March 16, 2018

On February 1, 2017, the Ontario Energy Board (OEB), on its own motion under section 112.2 of the *Ontario Energy Board Act, 1998* (Act), issued a Notice of Intention (Notice of Intention) to make an Order under section 112.4 of the Act to revoke electricity unit sub-metering licence ES-2012-0461 issued to Ensqr Corporation (Ensqr).

Allegations of non-compliance are set out in the Notice of Intention.

By way of a letter dated February 14, 2017, Ensqr requested that the OEB hold a hearing in this matter.

Notice of Hearing and Procedural Order No. 1

On April 25, 2017, the OEB issued a combined Notice of Hearing and Procedural Order No. 1, which set the date for the oral hearing. The OEB held an oral hearing on July 13, 2017.

Parties to this Proceeding

The parties to the proceeding are Ensqr and the members of OEB staff assigned to bring these matters forward (the Enforcement Team).

Interim Decision and Order

On August 17, 2017 the OEB issued its Interim Decision and Order. The Interim Decision and Order stated that the OEB is reserving its final decision in this proceeding until it has more information on the contractual relationship between Ensqr and the building owner of the one location in which Ensqr provides unit sub-metering services.

The Interim Decision and Order ordered that Ensqr do the following:

1. File an update on contractual discussions with the building owner.
2. File an update on its technical ability to comply with sections 5 and 6 of its Unit Sub-Metering Licence (ES-2012-0461), and specifically with regard to its ability to ensure that eligible customers served by Ensqr can be enrolled in the Ontario Electricity Support Program (OESP).
3. Provide the building owner with a copy of the Interim Decision and Order.

Supporting Documentation

On September 15, 2017, Ensqr sent an email to the OEB which provided certain information in response to the OEB's directions set-out in the Interim Decision and Order.

On September 29, 2017, the OEB issued Procedural Order No. 2 which ordered Ensqr to provide certain supporting documentation for its statements in the September 15, 2017 e-mail.

On October 16, 2017, Ensqr provided additional supporting documentation to its statements in the September 15, 2017 e-mail.

On October 27, 2017, the OEB issued Procedural Order No. 3 which ordered Ensqr to provide additional supporting documentation and updates for its statements and material delivered in its response to Procedural Order No. 2.

On December 4, 2017, Ensqr filed its response to Procedural Order No. 3, and on December 11, 2017, Ensqr filed an addendum to that response. In response to Ensqr's filing, Counsel to the Enforcement Team filed a letter on December 15, 2017, to address certain aspects of the documentation filed by Ensqr.

On January 15, 2018, the OEB issued Procedural Order No. 4 which ordered Ensqr to respond to the Enforcement Team's concerns. Procedural Order No. 4 also indicated that if complete and sufficient responses are not provided, the OEB may convene a further oral hearing as a next step.

On February 5, 2018, Ensqr requested an extension to February 10, 2018 to produce all of the supporting documentation as required in Procedural Order No. 4. On February 5, 2018, the OEB granted the request.

On February 12, 2018, Ensqr delivered correspondence in response to Procedural Order No. 4.

Oral Hearing

The OEB is not satisfied with the responses of Ensqr to date on Ensqr's ability to process OESP credits. The OEB has determined that it will convene a half-day oral hearing to hear further evidence on the ability of Ensqr to process OESP credits, and to provide Ensqr with an opportunity to explain why its licence should not be revoked.

The Enforcement Team shall also present a witness from ICF OLSON and shall also attend the oral hearing in order to provide an update on the ability of Ensqr to process OESP credits.

THE OEB ORDERS THAT:

1. Ensqr and OEB Enforcement Team Counsel shall provide the Case Manager to this proceeding with mutually agreeable dates that a half-day oral hearing can take place. The dates shall be provided no later than two weeks after the issuance of this Procedural Order.

2. Ensqr, OEB Enforcement Team Counsel, and OEB Enforcement Team witnesses (including a representative of ICF OLSON) shall be present and made available at the oral hearing once hearing dates are established.

ISSUED at Toronto, March 16, 2018

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary