



**EB-2012-0218**

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

**AND IN THE MATTER OF** an application by Ontario  
Clean Water Agency for an electricity wholesaler  
licence.

By delegation, before: David Richmond

## **DECISION AND ORDER**

### **JUNE 28, 2012**

Ontario Clean Water Agency filed an application dated April 25, 2012 with the Ontario Energy Board under section 60 of the Ontario Energy Board Act, 1998 for an electricity wholesaler licence.

As prescribed under section 57 of the Act, all entities who buy or sell electricity in the Ontario electricity market are required to hold a licence. As the applicant will be taking over the business activities of another wholesale licence holder, it has requested that the Board grant an interim licence. The interim licence will allow the applicant to begin its business activities related to the wholesale electricity market while the Board is considering the final decision on the application.

Considering the time required to process an application in accordance with the Board's established practice and procedures, and considering the applicant's activities, it has been found to be in the public interest to issue an interim order under sections 21(4)(b)

and 21(7) of the Act granting an interim wholesaler licence to the applicant pending final disposition of the application.

The issuance of this licence is an interim step which gives the Board the opportunity to carefully consider the facts and submissions in this case without prejudicing the applicant in the event that the application is granted. No final decision on the application has been made, and the granting of this interim licence is not an indication that a longer term licence will be granted.

**IT IS THEREFORE ORDERED THAT:**

1. An interim electricity wholesaler licence is granted to the Ontario Clean Water Agency on such conditions as are contained in the attached licence.
2. The licence will be valid for a period of 90 days from the date of this interim decision and order or until the Board makes a final decision on the wholesaler licence application, whichever is earlier.

**DATED** at Toronto, June 28, 2012.

**ONTARIO ENERGY BOARD**

*Original Signed By*

David Richmond  
Manager, Electricity Facilities and  
Infrastructure Applications



# Electricity Wholesaler Licence

**EW-2012-0218**

## Ontario Clean Water Agency

**Valid Until**

**September 27, 2012**

*Original Signed By*

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**David Richmond**  
**Manager, Electricity Facilities and**  
**Infrastructure Applications**  
**Ontario Energy Board**  
**Date of Issuance: June 28, 2012**

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## **1 Definitions**

In this Licence:

“**Act**” means the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, Schedule B;

“**Electricity Act**” means the *Electricity Act, 1998*, S.O. 1998, c. 15, Schedule A;

“**Licensee**” means Ontario Clean Water Agency;

“**regulation**” means a regulation made under the Act or the Electricity Act; and

“**wholesaler**” means a person who purchases electricity or ancillary services in the IESO-administered markets or directly from a generator or who sells electricity or ancillary services through the IESO-administered markets or directly to another person, other than a consumer.

## **2 Interpretation**

- 2.1 In this Licence words and phrases shall have the meaning ascribed to them in the Act or the Electricity Act. Words or phrases importing the singular shall include the plural and vice versa. Headings are for convenience only and shall not affect the interpretation of this Licence. Any reference to a document or a provision of a document includes an amendment or supplement to, or a replacement of, that document or that provision of that document. In the computation of time under this Licence where there is a reference to a number of days between two events, they shall be counted by excluding the day on which the first event happens and including the day on which the second event happens. Where the time for doing an act expires on a day that is a holiday, the act may be done on the next day that is not a holiday.

## **3 Authorization**

- 3.1 The Licensee is authorized, under Part V of the Act and subject to the terms and conditions set out in this licence:
- a) to purchase electricity or ancillary services in the IESO-administered markets or directly from a generator subject to the conditions set out in this Licence; and
  - b) to sell electricity or ancillary services through the IESO-administered markets or directly to another person other than a consumer, subject to the conditions set out in this Licence.

## **4 Obligation to Comply with Legislation, Regulations and Market Rules**

- 4.1 The Licensee shall comply with all applicable provisions of the Act and the Electricity Act, and regulations under these Acts, except where the Licensee has been exempted from such compliance by regulation.
- 4.2 The Licensee shall comply with all applicable Market Rules.

**5 Provision of Information to the Board**

- 5.1 The Licensee shall maintain records of and provide, in the manner and form determined by the Board, such information as the Board may require from time to time.
- 5.2 Without limiting the generality of paragraph 5.1 the Licensee shall notify the Board of any material change in circumstances that adversely affects or is likely to adversely affect the business, operations or assets of the Licensee as soon as practicable, but in any event no more than twenty (20) days past the date upon which such change occurs.

**6 Term of Licence**

- 6.1 This Licence shall take effect on June 28, 2012 and expire on September 27, 2012. The term of this Licence may be extended by the Board.

**7 Fees and Assessments**

- 7.1 The Licensee shall pay all fees charged and amounts assessed by the Board.

**8 Communication**

- 8.1 The Licensee shall designate a person that will act as a primary contact with the Board on matters related to this Licence. The Licensee shall notify the Board promptly should the contact details change.
- 8.2 All official communication relating to this Licence shall be in writing.
- 8.3 All written communication is to be regarded as having been given by the sender and received by the addressee:
- a) when delivered in person to the addressee by hand, by registered mail or by courier;
  - b) ten (10) business days after the date of posting if the communication is sent by regular mail; or
  - c) when received by facsimile transmission by the addressee, according to the sender's transmission report.

**9 Copies of the Licence**

- 9.1 The Licensee shall:
- a) make a copy of this Licence available for inspection by members of the public at its head office and regional offices during normal business hours; and
  - b) provide a copy of this Licence to any person who requests it. The Licensee may impose a fair and reasonable charge for the cost of providing copies.