



Ontario Energy Board Commission de l'énergie de l'Ontario

DECISION

EB-2015-0373

W & E INTERNATIONAL (CANADA) CORP.

Application for an Electricity Retailer Licence

BY DELEGATION, BEFORE: **Peter Fraser**
Vice President,
Industry Operations & Performance

April 21, 2016

DECISION

W & E International (Canada) Corp. (W & E International) filed an application on December 21, 2015 under section 60 of the *Ontario Energy Board Act, 1998* (OEB Act). The application was for a renewal of W & E International's electricity retailer licence. For the reasons outlined below, the application is denied.

On January 12, 2016, the Ontario Energy Board (OEB) issued a Notice of Application and Hearing inviting intervention in the hearing and comments on the application. No parties responded to the notice. OEB staff participated in the hearing by filing written interrogatories on February 5, 2016 and a written submission on March 4, 2016. W & E International responded to OEB staff's interrogatories on February 19, 2016 and did not file a reply submission.

In its submission, OEB staff took the general position that the applicant does not meet the criteria for being an electricity retailer and therefore does not require an OEB retailer licence. Staff noted that, in the interrogatory responses, W & E International stated that it merely continues to develop renewable energy and only plans to manufacture solar thermal and PV combined systems to generate solar energy. In other words, no current (or past) retailing activities were mentioned in the applicant's evidence and, moreover, the applicant did not provide any definite plans for electricity retailing activities, product descriptions or any details with respect to customer acquisitions. Staff noted that the interrogatory responses were more focused on solar systems, technologies and potential solar generation, rather than electricity retailing activities. Staff ultimately took the view that W & E International does not require an electricity retailer licence at this point but that it may apply for an electricity retailer licence when it has a clear and comprehensive business plan to implement electricity retailing activities.

After reviewing the evidence and, in particular, W & E International's interrogatory responses, I agree with OEB staff's submission. In order to renew a licence to retail electricity, an applicant must establish that it meets the minimum requirements set out in the O. Reg. 90/99 "Licence Requirements – Electricity Retailers and Gas Marketers" made under the OEB Act:

1. Having regard to the financial position of the applicant, the applicant can reasonably be expected to be financially responsible in the conduct of

business.

2. The past conduct of the applicant affords reasonable grounds for belief that the applicant will carry on business in accordance with law and with integrity and honesty.

3. If the applicant is a corporation, the past conduct of its officers and directors affords reasonable grounds for belief that its business will be carried on in accordance with law and with integrity and honesty.

4. The applicant is not carrying on activities that are, or will be, if the applicant is licensed, in contravention of the OEB Act or the regulations or the codes, orders or rules issued or made by the Board.

In my view, W & E International has not satisfied the above mentioned criteria. In fact, the record in this proceeding would seem to establish the opposite; despite the fact that the applicant has already been licensed by the OEB for a number of years, it has not commenced supplying electricity to even a single customer. There was neither any mention of W & E International's retailing activities in the licence application nor in its interrogatory responses.

The application for a renewal of W & E International's retailer licence is denied. The evidence filed in this proceeding is insufficient to establish W & E International's ability to operate in Ontario as an electricity retailer. W & E International may, in due course, reapply for an OEB retailer licence once it has a clear and comprehensive business plan to implement electricity retailing activities in accordance with applicable statutory and regulatory requirements.

DATED at Toronto, April 21, 2016

ONTARIO ENERGY BOARD

Original signed by

Peter Fraser
Vice President, Industry Operations & Performance