

# Stikeman Elliott

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January 21, 2019  
File No.: 130303.1015

**By Courier**

Ontario Energy Board  
P.O. Box 2319  
27th Floor  
2300 Yonge Street  
Toronto, ON M4P 1E4

Attention: Board Secretary

Dear Sirs/Mesdames:

**Re: Freepoint Commodities LLC – Renewal of Electricity Wholesaler Licence EW-2013-0444**

We are counsel for Freepoint Commodities LLC ("**Freepoint**") in respect of the above-noted application. We enclose a completed application form for the renewal together with a cheque for the \$200 application fee.

Freepoint's current electricity wholesaler licence will expire on March 19, 2019. In the event that a renewal cannot be issued prior to the expiry date, we ask that the Board exercise its authority under subsection 21(7) of the *Ontario Energy Board Act, 1998* to issue an interim order extending Freepoint's current licence until such time as the renewal application has been determined.

If you have any questions, please do not hesitate to contact us.

Yours truly,



Patrick G. Duffy

PGD/rw  
Enclosure  
cc. Nan Swan, Freepoint Commodities LLC

Ontario Energy  
Board  
P.O. Box 2319  
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## Application for an Electricity Wholesaler Licence

For Office Use Only	
Application Number	EB-
Date Received	

### 1. The Applicant

Legal Name of the Applicant : Freepoint Commodities LLC

Business Classification:

☐ Sole Proprietor

☐ Partnership

☐ Corporation

☒ Other (describe) Limited Liability Company

Date of formation or incorporation: November 29, 2010

Place of formation or incorporation:

Province/State Delaware

Country USA

If the applicant is an individual, the applicant must be at least 18 years old. If the applicant is an individual, is he or she at least 18 years old?

☐ Yes

☐ No

☒ Not Applicable - not an individual

Head Office or Business Address of Applicant

58 Commerce Road

City	Province/State	Country	Postal/Zip Code
<u>Stamford</u>	<u>CT</u>	<u>USA</u>	<u>06902</u>

Phone Number

Toll Free (if available)

E-mail Address

203-542-6752

nswan@freepoint.com

Website Address

www.freepoint.com

## 2. Application Type

☐ New

☒ Renewal, provide the licence number and expiry date of the current licence.

Licence Number EW-2013-0444

Expiry Date 19-Mar-19

## 3. Licence Primary Contact

The licensee shall designate a person who will act as primary contact with the OEB on matters related to the licence.

Mr. <input type="radio"/>	Mrs. <input checked="" type="radio"/>	Last Name	First Name	Initial
Miss <input type="radio"/>	Ms. <input type="radio"/>	Swan	Nan	F
Other <input type="radio"/>		Title/Position		
		Senior Vice President		
		Company Name		
		Freepoint Commodities LLC		

Licence Primary Contact Address:

58 Commerce Road

City	Province/State	Country	Postal/Zip Code
Stamford	CT	USA	06902

Phone Number	Toll Free (if available)	E-mail Address
203-542-6752		nswan@freepoint.com

## 4. Application Primary Contact

☒ Indicate if same as above. Proceed to section 5.

The primary contact for the licence application may be a person within the applicant's organization other than the licence primary contact noted above. An applicant may also choose to designate a consultant, lawyer, etc. to be the primary contact for the licence application. The OEB will communicate with this person during the course of the application review process but with the licence primary contact after a licence is issued.

Mr. <input type="radio"/>	Mrs. <input type="radio"/>	Last Name	First Name	Initial
Miss <input type="radio"/>	Ms. <input type="radio"/>			
Other <input type="radio"/>		Title/Position		
		Company Name		

Application Primary Contact Address:			
City	Province/State	Country	Postal/Zip Code
Phone Number	Toll Free (if available)	E-mail Address	

## 5. Trade Names

The electricity wholesaler licence authorizes the licensee to conduct business using the name under which the licence is held (i.e. the applicant's legal name). It also provides for the use of trade names by the licensee.

Does the applicant intend to use trade names?

- ☐ Yes, provide a list of trade names the applicant intends to use in the space provided below.
- ☒ No, proceed to section 6.


## 6. Applicant's Licensing Status and History

(a) Has the applicant, an affiliate of the applicant, or an associated entity (e.g., a partnership or limited partnership), ever been licensed by the OEB? (The *Business Corporations Act* definition for affiliate can be found at [www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca))

- ☒ Yes, provide details of current and expired licences in the table below.
- ☐ No, proceed to 6(b).

Licensee Name	Relation to the Applicant (e.g., applicant itself, affiliate, partner...etc.)	Licence Number
Electricity Wholesaler License	applicant itself	EW-2013-0444

(b) Does the applicant, an affiliate of the applicant, or an associated entity have any other application(s) before the OEB?

☐ Yes, provide details in the table below.

☒ No, proceed to 6(c).

Applicant Name	Relationship to this Applicant	Type of Application	OEB File Number

(c) Has the applicant, an affiliate of the applicant, or an associated entity ever undertaken energy sector activity in any other jurisdiction within North America?

☒ Yes, provide details in the table below.

☐ No

Company Name	Relation to the Applicant	Jurisdiction	Business Activity	Name of Licensing Body and Licence/Registration No. (if applicable)
Freepoint Commodities LLC	applicant itself	USA	Power Marketer	FERC ER11-3339-000 and ER11-339-001
Freepoint Commodities LLC	applicant itself	USA	Import/Export Natural Gas	USA Dept. of Energy, Order No. 3627
Freepoint Energy Solutions LLC	affiliate	USA	Power Marketer	FERC: ER16-2370-000

## 7. Key Individuals

In the table below, identify the key individuals that are responsible for executing the following functions for the applicant: matters related to regulatory requirements and conduct, financial matters, and technical matters. Key individuals include the Chief Executive Officer, the Chief Financial Officer, other officers and directors, partners or proprietors.

Name of Key Individual	Title/Position within Applicant's Business (or identify company if not the Applicant's Business)
David A. Messer	Chief Executive Officer
Daniel M. Hecht	Senior Managing Director & General Counsel
Thomas C. Muller	Managing Director & Controller

## 8. Intended Markets and Services

Identify the applicant's intended markets and services. Select any that apply.

- ☒ To purchase electricity or ancillary services in the IESO-administered markets.
- ☒ To purchase electricity or ancillary services directly from a generator.
- ☒ To sell electricity or ancillary services in the IESO-administered markets.
- ☒ To sell electricity or ancillary services to wholesalers.
- ☒ To sell electricity or ancillary services to distributors (i.e., standard supply services).
- ☒ To sell electricity or ancillary services to electricity retailers.
- ☒ To sell electricity or ancillary services to persons outside of the Ontario market.
- ☐ To sell electricity to consumers, defined as a person who uses for the person's own consumption, electricity that the person did not generate. If the applicant selects this item, the applicant may require a retailer licence. The application form can be found at [www.oeb.ca](http://www.oeb.ca).

### **Checklist (return with application form)**

- ☒ Two copies of the application form have been included with original signature on both copies
- ☒ A cheque or money order for the non-refundable application fee has been included
- ☒ A corporate organization chart has been attached to the application form
- ☒ Section 10 has been completed and all relevant financial information has been included
- ☒ Section 13 has been completed for all key individuals