



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

DECISION AND ORDER

EB-2018-0321

THE CORPORATION OF THE CITY OF KITCHENER – UTILITIES DIVISION

Application for a Gas Marketer Licence

BY DELEGATION,

BEFORE: Brian Hewson
Vice President, Consumer Protection & Industry Performance

February 14, 2019

DECISION AND ORDER

The Corporation of the City of Kitchener - Utilities Division (Kitchener) filed an application on November 27, 2018, with the Ontario Energy Board (OEB), under section 50 of *Ontario Energy Board Act, 1998* (OEB Act), for a renewal of its gas marketer licence (GM-2014-0018), which is set to expire on April 15, 2019. The granting of this licence would enable Kitchener to continue selling natural gas to consumers in Ontario.

As part of its licence renewal application, Kitchener requested that the OEB grant the continuance of the current exemptions under the Code of Conduct for Gas Marketers (Code), specifically, Part B - Sections 1.1(a),(b) and (c); 2; 3; 4; 5; 6; 7.1 to 7.6; 10 and Part C, and the Natural Gas Reporting and Record Keeping Requirements – Gas Marketer Licence Requirements (RRRGM), Sections 2.1, 2.2.2(a) through (f), 2.2.3 and 2.2.4.

This Decision and Order is being issued by the Delegated Authority, without holding a hearing, pursuant to Section 6 of the OEB Act.

FINDINGS

When evaluating an application for a gas marketer licence renewal, the OEB focuses its consideration on the requirements set out in Ontario Regulation 90/99; in particular, the applicant's financial position, technical capability to operate in the market, and conduct.

With respect to the applicant's technical and financial position, Kitchener can reasonably be expected to be financially responsible for the conduct of its business and has adequate technical capabilities to operate in the Ontario market.

With respect to the applicant's conduct, Kitchener has not been subject to any OEB enforcement proceedings since the renewal of its gas marketer licence in 2014, and there were no complaints about Kitchener's conduct filed with the OEB within the last two years.

With regard to the applicant's request for a continuance of certain exemptions from the Code and the RRRGM. As the applicant does not operate as a competitive gas marketer under the licence, does not employ salespersons to market gas and does not enter into gas supply contracts with its system supply customers, the applicant is appropriately exempt from sections of the Code and the RRRGM that govern those activities.

After considering the application, the OEB finds it to be in the public interest to grant Kitchener's application for renewal of its gas marketer licence. The OEB also finds it in the

public interest to approve the applicant's request for a certain exemptions from the Code and the RRRGM as described in this Decision and Order.

IT IS ORDERED THAT:

1. The application for a gas marketer licence is granted, on such conditions as are contained in the attached licence.

DATED at Toronto, February 14, 2019

ONTARIO ENERGY BOARD

Original signed by

Brian Hewson
Vice President, Consumer Protection & Industry Performance