



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

DECISION AND ORDER

EB-2019-0136

AG ENERGY CO-OPERATIVE LTD.

Application for an Electricity Retailer Licence

BY DELEGATION,

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

June 13, 2019

DECISION AND ORDER

Ag Energy Co-operative Ltd. (Ag Energy) filed an application on April 11, 2019 with the Ontario Energy Board (OEB), under section 60 of the *Ontario Energy Board Act, 1998* (OEB Act) for an electricity retailer licence renewal.

Ag Energy is an independent, member owned co-operative incorporated under the Co-operative Corporations Act (Ontario) and is licensed by the OEB as an electricity retailer and natural gas marketer. It provides energy services to agricultural producers and processors, including selling electricity and natural gas. Pursuant to section 27(1) 3 of the Ontario Regulation 389/10 (General) under the *Energy Consumer Protection Act, 2010* (ECPA), effective January 1, 2017, Ag Energy is exempted from the ECPA in respect of contracts that it enters into, amends, renews or extends with its members. Ag Energy is also exempted from compliance with certain provisions of the Electricity Retailer Code of Conduct as they relate to Ag Energy's exemption from the ECPA¹. The Code of Conduct exemptions apply only to the extent that Ag Energy is transacting with the members of the co-operative. AG Energy is required to provide its members with notice of the exemptions in accordance with its existing licence conditions as well as certain reporting requirements relating to its contracting with, and supply to its members.

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

After considering the application and assessing the conduct, technical capability and financial viability of the applicant, the OEB finds that it is in the public interest to grant the application and issue an electricity retailer licence to Ag Energy Co-operative Ltd. The OEB also finds that the exemptions to the Code of Conduct and the licence conditions requiring AG Energy to give notice to its members of the exemptions and provide the OEB with additional reporting are in the public interest and should be continued with the renewal of its licence.

IT IS ORDERED THAT:

1. The application for an electricity retailer licence renewal is granted, on such conditions as are contained in the attached licence.

¹ EB-2017-0015

DATED at Toronto, June 13, 2019

ONTARIO ENERGY BOARD

Original Signed By

Brian Hewson
Vice President, Consumer Protection & Industry Performance