

Ontario Energy  
Board  
P.O. Box 2319  
2300 Yonge Street  
27th Floor  
Toronto ON M4P 1E4  
Telephone: 1-888-632-6273  
Facsimile: (416) 440-7656

Commission de l'énergie  
l'Ontario  
C.P. 2319  
2300, rue Yonge  
27e étage  
Toronto ON M4P 1E4  
Téléphone: 1-888-632-6273  
Télécopieur: (416) 440-7656



## Application for an Electricity Wholesaler Licence

For Office Use Only	
Application Number	EB-
Date Received	

### 1. The Applicant

Legal Name of the Applicant : Merrill Lynch Commodities Canada, ULC

Business Classification:

☐ Sole Proprietor

☐ Partnership

☐ Corporation

☒ Other (describe)

Unlimited Liability Company

Date of formation or incorporation: October 1, 2002

Place of formation or incorporation:

Province/State Nova Scotia

Country Canada

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

20 E. Greenway Plaza, Suite 700

City	Province/State	Country	Postal/Zip Code
<u>Houston</u>	<u>TX</u>	<u>USA</u>	<u>77046</u>

Phone Number	Toll Free (if available)	E-mail Address
<u>832-681-5932</u>		<u>merida.delapena@bankofamerica.com</u>

Website Address

## 2. Application Type

☐ New

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

Licence Number EB-2014-0260

Expiry Date October 1, 2019

## 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"/>	<u>De La Pena</u>	<u>Merida</u>	
Other <input type="radio"/>		Title/Position		
		<u>Director, Commodities Counsel</u>		
		Company Name		
		<u>Merrill Lynch Commodities Canada, ULC</u>		
Licence Primary Contact Address:				
<u>20 E. Greenway Plaza, Suite 700</u>				
City	Province/State	Country	Postal/Zip Code	
<u>Houston</u>	<u>TX</u>	<u>USA</u>	<u>77046</u>	
Phone Number	Toll Free (if available)	E-mail Address		
<u>832-681-5932</u>		<u>merida.delapena@bankofamerica.com</u>		

## 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
Merrill Lynch Commodities Canada, ULC previous name was Entergy-Koch Trading Canada, ULC	Applicant Itself	EW-2002-0464, EB-2009-0328, and EB-2014-0260

(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)
Merrill Lynch Commodities Canada, ULC	Applicant Itself	Alberta, Ontario, British Columbia	Trades and imports and exports power and gas in Canada and at the Canadian border.	NEB Order# GO-129-2018 NEB Order# GO-130-2018 NEB Order# EPE-382 DOE Order# 4170
Merrill Lynch Commodities, Inc.	Affiliate	United States	Trades and provides market solutions for power and gas.	NEB Order# GO-037-2018 NEB Order# GO-038-2018 NEB Order# EPE-353 DOE Order# 4224 DOE Order# EA-295-B

## 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)
Mark Sickafoose	Director
Keir Austen-Brown	Chief Operating Officer

## 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).

## 14. Notice

The OEB is authorized, under section 4.14 of the OEB Act, to collect personal information for the purpose of carrying out its duties and exercising its powers under the OEB Act or any other Act.

The information provided both on this form and attached to this form is being collected by the OEB for the purpose of determining whether the applicant is qualified to receive the licence for which it is applying.

In order to verify the information on this form and/or determine whether the applicant is qualified to receive the licence for which it is applying, it may be necessary for the OEB to collect additional information from some or all of the following sources: federal, provincial/state, or municipal governments; licensing bodies; law enforcement agencies; credit bureaus; and banks. Only information relevant to the application or the OEB's determination of the application will be collected by the OEB.

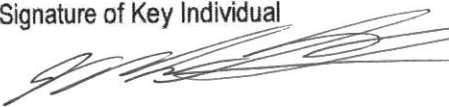
The public official who can answer questions about the collection of the information is:

Board Secretary  
Ontario Energy Board  
P.O Box 2319  
2300 Yonge Street, 27<sup>th</sup> Floor  
Toronto, ON  
M4P 1E4  
Tel: 416-481-1967 or 1-888-632-6273

Applicants are reminded that the OEB is subject to the *Freedom of Information and Protection of Privacy Act* (FIPPA). FIPPA addresses circumstances in which the OEB may, upon request, be required to release information that is in its custody or under its control, and generally prohibits the OEB from releasing personal information. "Personal Information" has the meaning given to it under FIPPA.

## 18. Certification and Acknowledgement

- (a) I certify that the information contained in this application and in the documents provided are true and accurate.
- (b) I understand and acknowledge that, as a licensee, I must provide information as the OEB may require from time to time.
- (c) I understand and acknowledge that the issuance of an electricity wholesaler licence does not guarantee accreditation by the IESO or distributors.

Print Name of Key Individual Mark Sickafoose	Signature of Key Individual 	Date 6/17/19
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**If the applicant is a sole proprietor, he/she must sign.**

**If the applicant is a corporation, a person with authority to bind the corporation must sign.**

**If the applicant is a partnership, a partner with authority to sign on behalf of the partnership must sign.**

**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

**EXHIBIT A**  
**To Merrill Lynch Commodities Canada, ULC's Application for an Electricity**  
**Wholesaler Licence**

**12. Key Individual Information #1, Question 2.**

Yes, provide jurisdiction, name of business and business activity:

Canada (Alberta, Ontario, British Columbia): Merrill Lynch Commodities Canada, ULC trades, imports and exports physical and financial natural gas, power and other energy commodities in Canada and at the Canadian border.

USA: Merrill Lynch Commodities, Inc. (MLCI): MLCI conducts wholesale energy trading activities and provides market solutions for energy products such as natural gas, power, crude oil, refined products and emissions.

**12. Key Individual Information #2, Question 2.**

Yes, provide jurisdiction, name of business and business activity:

Canada (Alberta, Ontario, British Columbia): Merrill Lynch Commodities Canada, ULC trades, imports and exports physical and financial natural gas, power and other energy commodities in Canada and at the Canadian border.

USA: Merrill Lynch Commodities, Inc. (MLCI): MLCI conducts wholesale energy trading activities and provides market solutions for energy products such as natural gas, power, crude oil, refined products and emissions.