

October 15, 2020

**VIA E-MAIL**

Ms. Christine E. Long  
Registrar and Board Secretary  
**ONTARIO ENERGY BOARD**  
P.O. Box 2319, 27<sup>th</sup> Floor  
2300 Yonge Street  
Toronto, Ontario  
M4P 1E4

**Ian A. Mondrow**  
Direct 416-369-4670  
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Assistant: Cathy Galler  
Direct: 416-369-4570  
cathy.galler@gowlingwlg.com

Dear Ms. Long:

**Re: Glencore Canada Corporation (GCC) Electricity Wholesaler Licence EW-2015-0300**

**Application for Renewal of Electricity Wholesaler Licence.**

**EB-2020-0222: Request to Withdraw Application for Amendment to Add Authorized Trade Names to Schedule 1 of EW-2015-0300.**

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We write as legal counsel to Glencore Canada Corporation (GCC).

Enclosed please find an Application for Renewal of Electricity Wholesaler Licence EW-2015-0300 granted to GCC.

We also hereby request to withdraw GCC's application to amend its existing licence to add authorized trade names to Schedule 1, which application was initiated by way of our letter filed with the Board and dated September 4, 2020, was given docket number EB-2020-0222, and was addressed in the Board's letter to Mark Passi of GCC dated September 14, 2020. Given the imminence of expiry of GCC's current licence, the Board has asked that GCC's earlier application (to amend) be withdrawn and the request to add authorized trade names to GCC's licence be addressed through the renewal application herewith filed.

**Renewal Application**

Please note the following in respect of GCC's Electricity Wholesale Licence Renewal application:

1. We understand that the Board has now adopted a filing process which is satisfied by way of electronic filings (in the case of an initial application by e-mail) without the need to deliver hard copies. Accordingly the attached licence renewal application is submitted electronically (by e-mail) only.

2. We further understand that under the current licence application process once the attached application is received, reviewed for completeness and accepted, instructions for payment of the application fee and attendant annual licencing fee will be provided. We will await those instructions.
3. Question 6, part (c) on the renewal application asks if the applicant or an associated entity has ever undertaken energy sector activity in any other jurisdiction within North America. Staff reviewing the application will see that GCC's previous (2015 licence renewal) application listed operations in California, Saskatchewan and Quebec in response to this question. In preparing the current renewal application we have worked with GCC to canvass each of these entities, and have determined that in each case their connection to the energy sector is solely as a retail level customer. We have also reviewed this topic with GCC personnel and have determined that, other than as retail electricity customers, there are no GCC related entities in North America who participate in the energy sector in manner requiring licencing or registration under the authority of a regulatory body. (We have not extended our review to GCC's global associated operations, as that would be unworkably numerous and, we suggest, of little value in the context of the current Ontario licencing application.) Accordingly, the response to this question on the application form is "no", and there are no further details to provide in this respect.
4. In response to questions 9 (corporate organization) and 10 (finance) on the application form we are providing with the application copies of GCC's 2019 and 2018 annual reports, which are public and which contain exhaustive financial (including by division) and affiliated/associated entity information for Glencore plc (GCC's ultimate parent company).
  - (a) Consolidated Financial Statements for Glencore plc are provided commencing at page 124 of the 2018 Annual Report and page 126 of the 2019 Annual Report.
  - (b) In respect of corporate organization, Glencore plc's policy is not to publish a full corporate organization chart. Listings of, and information regarding, the dozens of GCC affiliated and associated entities can be found in notes 33 and 34 of the 2019 Annual Report (pages 221 to 226).

#### **Addition of Authorized Trade Names to Schedule 1**

In our September 4, 2020 letter to the Board we requested amendment of GCC's existing Electricity Wholesaler Licence to add the Ontario Independent Electricity System Operator (IESO) invoicing names for two of GCC's locations; its GECO Division located at Manitouwadge, Ontario (GCC GECO) and its Mattabi division located at Ignace, Ontario (Mattabi). That amendment was requested to respond to the IESO's recent request to GCC which arises from a change to the IESO's invoicing protocol applicable to GCC's three locations.

Until now, the GCC GECO and GCC Mattabi locations, and GCC's Falconbridge Technology Centre location at the town of Falconbridge, Ontario, have received settlement statements from the IESO under "Falconbridge Limited – Mattabi Division", "Falconbridge Limited – GECO Division" and

“Falconbridge Canada Corporation”, respectively. Falconbridge Limited was the owner of these mining operations at the time that they were registered in the IESO’s invoicing system, and Falconbridge Limited was licenced by the OEB as an electricity market wholesale participant under OEB Electricity Wholesaler Licence EW-2005-0496. We have not located or reviewed this previous licence.

In 2010 Falconbridge Limited’s successor, Xstrata Canada Corporation, applied for and received OEB Electricity Wholesaler Licence EW-2010-0319. We have not located or reviewed this previous licence.

In 2015, GCC applied for and received its current OEB licence. We have reviewed this licence. Schedule 1 to this licence does not have any authorized trade names listed.

The IESO has recently advised GCC that the settlement protocol for the previous Falconbridge Limited locations was set up prior to market opening and at that time the IESO identified all 3 of these separate locations as “Falconbridge” and recorded a single OEB licence in relation to each of the three locations. The IESO has recently informed GCC that it has “separately registered” these three GCC locations, and that while one licence for all three can continue to be used the IESO requires that each location be separately identified in the licence.

We had copied those at the IESO with whom GCC has been addressing the IESO’s request for this invoicing change on our initial (September 4, 2020) letter to the Board. In order to keep the IESO updated we have copied them with this letter (without attachments) as well.

### **Process for Reviewing this Application**

In respect of the appropriate process for review of GCC’s licence renewal application, we note;

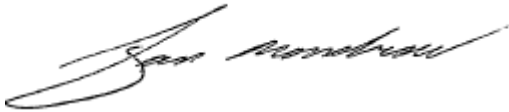
- (a) GCC’s historical and ongoing participation in Ontario’s wholesale electricity market; and
- (b) the request to add GCC’s existing GECO and Matabi locations to Schedule 1 of the renewed electricity wholesaler licence has been included in response to a request to do so by the IESO for invoicing purposes.

We suggest that no person will be adversely affected in any way by the requested licence renewal, or the requested additions to Schedule 1. We thus request on behalf of GCC that this application be considered and disposed of without a hearing as contemplated by subsection 21(4) of the *OEB Act*.

**Conclusion**

Should the Board require any further information please contact the writer as the application primary contact provided in section 4 of the application attached.

Yours truly,



Ian A. Mondrow

c: Mark Passi, Glencore Canada Corporation  
Peter Wright, Internal Counsel, Glencore Canada Corporation  
Lester Yue, OEB Staff  
Andrew Duncan, Business Advisor – Industrial, IESO (without attachments)  
Peter Wiebe, IESO (without attachments)

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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 : Glencore Canada Corporation

Business Classification:

☐ Sole Proprietor

☐ Partnership

☒ Corporation

☐ Other (describe) \_\_\_\_\_

Date of formation or incorporation: July 30, 2013

Place of formation or incorporation:

Province/State Ontario

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

1 First Canadian Place - 100 King Street West, Suite 6900, P.O. Box 403

City	Province/State	Country	Postal/Zip Code
<u>Toronto</u>	<u>ON</u>	<u>Canada</u>	<u>M5X 1E3</u>

Phone Number	Toll Free (if available)	E-mail Address
<u>416 775 1500</u>	<u></u>	<u>info@glencore.com</u>

Website Address www.glencore.ca

## 2. Application Type

☐ New

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

Licence Number EW-2015-0300

Expiry Date December 2, 2020

## 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 checked="" type="radio"/>	Mrs. <input type="radio"/>	Last Name	First Name	Initial
Miss <input type="radio"/>	Ms. <input type="radio"/>	<u>Passi</u>	<u>Mark</u>	<u>W</u>
Other <input type="radio"/>		Title/Position		
		<u>Manager, Energy</u>		
		Company Name		
		<u>Glencore Canada Corporation</u>		

Licence Primary Contact Address:

6 Edison Road

City	Province/State	Country	Postal/Zip Code
<u>Falconbridge</u>	<u>ON</u>	<u>Canada</u>	<u>POM 1S0</u>

Phone Number	Toll Free (if available)	E-mail Address
<u>705 690 6164</u>		<u>mark.passi@glencore.ca</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 checked="" type="radio"/>	Mrs. <input type="radio"/>	Last Name	First Name	Initial
Miss <input type="radio"/>	Ms. <input type="radio"/>	<u>Mondrow</u>	<u>Ian</u>	<u>A</u>
Other <input type="radio"/>		Title/Position		
		<u>Partner</u>		
		Company Name		
		<u>Gowling WLG (Canada) LLP</u>		

Application Primary Contact Address:

1 First Canadian Place - 100 King Street West

City

Toronto

Province/State

ON

Country

Canada

Postal/Zip Code

M5X 1G5

Phone Number

416 369 4670

Toll Free (if available)

E-mail Address

ian.mondrow@gowlingwlg.com

## 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.

Glencore Canada Corporation - GECO

Glencore Canada Corporation - Mattabi

## 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
Xstrata Canada Corporation	Predecessor Company	EW-2010-0319
Falconbridge Limited	Predecessor Company	EW-2006-0496

(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)

## 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)
Peter Xavier	Vice-President



## 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).