

**BY EMAIL AND COURIER**

November 23, 2018

Ontario Energy Board  
Attn: Ms. Kirsten Walli, Board Secretary  
P.O. Box 2319  
2300 Yonge Street, 27<sup>th</sup> Floor  
Toronto, Ontario, M4P 1E4

RECEIVED

NOV 27 2018

ONTARIO ENERGY BOARD

EB-2018-0321

Dear Ms. Walli:

**Re: GM-2014-0018 – Gas Marketer License Renewal – The Corporation of the City of Kitchener – Utilities Division (“Kitchener”)**

In response to OEB letter dated 1<sup>st</sup> November 2018, please find enclosed two copies of Kitchener's Application to renew its Gas Marketer License ("Application").

Kitchener respectfully requests that the Ontario Energy Board ("Board") grant Kitchener the continuance of exemptions under the Code of Conduct for Gas Marketers ("Code") and the Natural Gas Reporting and Record Keeping Requirements ("RRR") as granted on April 16, 2014 in the delegated Decision and Order under OEB docket EB-2014-0018 ("Decision") and on March 14, 2011 in the delegated Decision and Order under OEB docket EB-2010-0407 ("Decision"). I have attached a copy of these Decisions to this Application.

Section 15 of the Board's license application form specifies that Key Individuals are to provide copies of two pieces of personal identification, one of which must include a photo. We respectfully decline to provide such personal information due to privacy concerns. Similar concerns with ensuring the privacy of Key Individuals were expressed by Kitchener to the Board during the prior renewal of our gas marketer license in 2009 and 2014.

Given the non-typical nature of Kitchener's Application as a municipal gas utility (and not as a retail energy marketer), the provision of the additional personal information by Kitchener would not be necessary for the Board to process and, hopefully, approve our Application which includes a request for continuance of previously granted exemptions under the Code and the RRR. The Board in previous Kitchener's gas marketer license renewal granted this administrative relief in 2009 and 2014. Hence, we respectfully ask the same relief be granted for this Application.

November 23, 2018  
*Ms. Kirsten Walli*  
Page 2 of 2


Please find enclosed the following documents in support of our Application:

- Two copies of Kitchener's Application to renew its Gas Marketer License.
- Non-refundable application fee for \$200.00 payable to the Board.
- Kitchener's most recent audited financial statements for 2017 & 2016.
- Resumes of Daniel R. Chapman, Jonathan Lautenbach, Denise McGoldrick, and Gregory St. Louis.
- City of Kitchener corporate organization chart and Kitchener Utilities organization chart.
- A list of officers.
- Decision and Order for Kitchener's Gas Marketer License under OEB docket EB-2014-0018 and EB-2010-0407.

We would appreciate your acknowledgement of receipt of this letter and Application at your earliest convenience, and we will await the Board's decision in this matter.

If there are any questions or concerns with this Application and request for continuance of exemptions under the Code and the RRR, please contact me.

Sincerely,



Greg St. Louis  
Director, Utilities

Cc: J. Chatterjee (Kitchener)



## Application for a Gas Marketer Licence

### Application Instructions

#### 1. Purpose of this Form

This form is to be used to apply for a licence that would enable the applicant

- (a) to sell or offer to sell natural gas to low-volume consumers (consuming 50,000m<sup>3</sup> or less of natural gas per year);
- (b) to act as the agent or broker for a seller of natural gas to a low-volume consumer; and/or
- (c) to act or offer to act as an agent or broker of a low-volume consumer in the purchase of gas.

#### 2. Completion Instructions

This form is in a writeable PDF format. The applicant must either:

- type answers to all questions, print two copies and sign both copies; or
- print a copy of the form, clearly print answers to all questions, make a copy and sign both copies.

The applicant must also complete the checklist attached to the application form.

Please send both copies of the completed form, checklist, and two copies of any attachments to:

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

Any questions regarding the completion of this application should be directed to the Ontario Energy Board (OEB) at [IndustryRelations@oeb.ca](mailto:IndustryRelations@oeb.ca).

Please note that the OEB may require information that is additional or supplementary to the information filed in this application form and that filing of the form does not preclude the applicant from filing additional or supplementary information.

Applicants should consider the timelines required to process applications to avoid submitting applications too early or too late. Submitting applications too early without reasonable certainty of the proposed licensed activities will impede regulatory efficiency while submitting applications too late will leave the applicant to bear the risk of delayed commencement of licensed activities. Processing timelines are indicated on the "[Performance Standards for Processing Applications](#)" page of the OEB's website at [www.oeb.ca](http://www.oeb.ca). If submitted incomplete, there may be a delay in processing the application.

#### 3. Application and Registration Fees

A non-refundable application fee is required to process your application. Please enclose a cheque or money order made payable to the **ONTARIO ENERGY BOARD**. The amount of the application fee is indicated on the "Apply for a Licence" page of the "Industry" section of the OEB's website at [www.oeb.ca](http://www.oeb.ca).

If a licence is issued, the licensee will be required to pay an annual registration fee. Annual registration fee information is indicated on the "Apply for a Licence" page of the "Industry" section of the OEB's website at [www.oeb.ca](http://www.oeb.ca).

#### 4. Confidentiality

Sections 10 to 15 of this application will be treated as confidential. All other information filed as a part of or in support of this application will be placed on the public record. Where the applicant objects to public disclosure of information contained in sections other than sections 10 to 15, the applicant must follow the procedure set out in the OEB's Practice Direction on Confidential Filings.

#### 5. Important Information

The applicant must make a copy of the non-confidential sections of the application available to any person who requests a copy of the application.

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Ontario Energy  
Board  
P.O. Box 2319  
2300 Yonge Street  
27<sup>th</sup> 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  
27<sup>e</sup> étage  
Toronto ON M4P 1E4  
Téléphone: 1-888-632-6273  
Télécopieur: (416) 440-7656

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ONTARIO ENERGY BOARD



## Application for a Gas Marketer Licence

For Office Use Only	
Application Number	EB - 208-0321
Date Received	Nov. 27/18

### 1. The Applicant

Legal Name of the Applicant: THE CORPORATION OF THE CITY OF KITCHENER

Name to Appear on Licence: THE CORPORATION OF THE CITY OF KITCHENER - UTILITIES DIVISION

☐ Indicate if the name to appear on the licence is the same as the legal name.

Please note that if the name to appear on the licence is not the same as the legal name, the name on the licence must include the legal name of the applicant and the legal name must appear first. The "Name to Appear on Licence" will appear on the notice of application and on the licence.

Business Classification:

☐ Sole Proprietor

☐ Partnership

☒ Corporation

☐ Other (describe) \_\_\_\_\_

Date of formation or incorporation: \_\_\_\_\_

Place of formation or incorporation: 1854- VILLAGE OF BERLIN, 1916- CITY OF KITCHENER

Province/state \_\_\_\_\_

Country \_\_\_\_\_

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

## 2. Licence Primary Contact

As a condition of licensing, 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"/>	ST. LOUIS	GREGORY	
Other <input type="radio"/>		Title/Position		
		DIRECTOR OF UTILITIES		
		Company Name if different from Name to Appear on Licence		
Licence Primary Contact Address:				
131 GOODRICH DRIVE				
City		Province/State	Country	Postal/Zip Code
KITCHENER		ON	CANADA	N2C2E8
Phone Number	Toll Free (if available)	Fax Number	E-mail Address	
5197412600 ext 4538	1-866-969-9994	519-741-2633	greg.stlouis@kitchener.ca	

If the above address is not in Ontario, the applicant must also provide contact information for service purposes in the province of Ontario. Applicants whose offices are not located in Ontario may provide the address of an agent (an individual who is a resident of Ontario and is at least 18 years old, or a corporation that has its head office or registered office in Ontario) as the address of service.

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 if different from Name to Appear on Licence		
Address for Service in Ontario (if different than the Licence Primary Contact Address above)				
City		Province	Postal Code	
		ONTARIO		
Phone Number	Toll Free (if available)	Fax Number	E-mail Address	

### 3. Application Primary Contact

☒ Indicate if same as above. If yes, proceed to section 4.

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 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"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Other <input checked="" type="radio"/>	<input type="text"/>	Title/Position		
		<input type="text"/>		
		Company Name if different from Name to Appear on Licence		
		<input type="text"/>		

Application Primary Contact Address:

City	Province/State	Country	Postal/Zip Code
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Phone Number	Toll Free (if available)	Fax Number	E-mail Address
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

### 4. Customer Complaint or Inquiries Primary Contact

Provide contact information of the person to whom correspondence or communication regarding customer complaints or inquiries should be addressed. The mailing address should be in Ontario and the telephone number should be listed in Ontario which may be reached by the general public without a charge.

Mr. <input checked="" type="radio"/>	Mrs. <input type="radio"/>	Last Name	First Name	Initial
Miss <input type="radio"/>	Ms. <input type="radio"/>	ST. LOUIS	GREGORY	<input type="text"/>
Other <input type="radio"/>	<input type="text"/>	Title/Position		
		DIRECTOR UTILITIES		
		Company Name if different from Name to Appear on Licence		
		<input type="text"/>		

Customer Complaint or Inquiries Primary Contact Address:

131 GOODRICH DRIVE

City	Province	Postal Code
KITCHENER	ONTARIO	N2C2E8

Phone Number	Toll Free	Fax Number	E-mail Address
5197412600 ext 4538	1-866-969-9994	519-741-2633	greg.stlouis@kitchener.ca

## 5. Type of Application

☐ New licence

☒ Renewal, please provide the licence number and expiry date of the existing licence

Licence Number: GM- 2014-0018      Expiry Date: April 15, 2019

## 6. Trade Names

The gas marketer licence authorizes the licensee to conduct business using the name under which the licence is held. It also provides for the use of trade names by the licensed gas marketer.

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 7.

KITCHENER UTILITIES

## 7. 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 7(b).

Licensor Name	Relation to the applicant (e.g., applicant itself, affiliate, partner...etc.)	Licence Number
THE CORPORATION OF THE CITY OF		GM-2014-0018
KITCHENER - UTILITIES DIVISION		GM-2009-0048
		GM-2004-0237
		GM-1999-0035



- (b) Does the applicant, an affiliate of the applicant, or an associated entity (e.g., a partnership or limited partnership) have any other application(s) before the OEB?

☐ Yes, provide details in the table below.

☒ No, proceed to 7(c).

Applicant Name	Type of Application	OEB File Number (if applicable)

- (c) Has the applicant, an affiliate of the applicant, or an associated entity (e.g., a partnership or limited partnership) ever undertaken licensed energy sector activity in any other jurisdiction within North America?

☐ Yes, provide details of current and expired licences in the table below

☒ No

Company Name	Jurisdiction	Business Activity	Name of Licensing Body	Licence/Registration No.

## 8. Officers, Directors and Key Individuals

- (a) If the applicant is a corporation, provide as a separate attachment a list of all officers and directors, including name and title.
- (b) Provide a list of key individuals below. The individuals listed must be the individuals that are responsible for the following functions for the applicant: regulatory requirements and conduct, financial matters and technical matters. These key individuals may include the Chief Executive Officer, the Chief Financial Officer, other officers, directors and proprietors.

**Note: Please list a minimum of three key individuals. If unable to provide a minimum of three, please explain.** \_\_\_\_\_

Name of Key Individual	Title/position within applicant's business (or identify company if not the applicant's business)
DANIEL R CHAPMAN	CHIEF ADMINISTRATIVE OFFICER (CAO)
DENISE MCGOLDRICK	GENERAL MANAGER, INFRASTRUCTURE SERVICES
JONATHAN LAUTENBACH	CHIEF FINANCIAL OFFICER, FINANCIAL SERVICES

## 9. Intended Services

Intended Services: please identify which of the following services the applicant intends to offer.

- ☒ to sell or offer to sell gas to low-volume consumers (consuming 50,000m<sup>3</sup> or less of natural gas per year) in Ontario.
- ☐ to act as an agent or broker for a gas marketer with respect to the sale or offering for sale of natural gas to low-volume consumers, or as an agent or broker for low-volume consumers with respect to the sale or offering for sale of natural gas in Ontario.

Is the applicant currently providing any of the above listed services?

- ☒ Yes, provide a list of the services the applicant is currently providing.



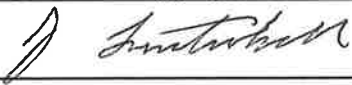

TO SELL NATURAL GAS TO LOW-VOLUME CONSUMERS AS A DEFAULT UTILITY SUPPLY OPTION

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- ☐ No, indicate when the applicant intends to provide these services.
-

## 17. 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 licensed natural gas marketer, I must provide information as the OEB may require from time to time.
- (c) I understand and acknowledge that, as a licensed natural gas marketer, I may have to meet requirements to disclose information to consumers in accordance with any government regulation made or standard set by the OEB.
- (d) I understand and acknowledge that, as a licensed natural gas marketer, I must enter into a service agreement with the gas distributor before registering customers in a distributor's franchise area.

Name	Signature	Date
DANIEL R CHAPMAN		11/18/18
DENISE MCGOLDRICK		Nov. 21, 2018
JONATHAN LAUTENBACH		Nov. 21, 2018
GREGORY ST. LOUIS		Nov. 20, 2018

Must be signed by:

- (a) the proprietor or by at least one partner, officer or director of the organization; and
- (b) each key individual identified in section 8(b)

### 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 list of all officers and directors, including name and title has been attached to the application form.
- ☒ A corporate organization chart has been attached to the application form.
- ☒ Section 12 has been completed and all relevant financial information has been included.
- ☒ Section 15 has been completed for all key individuals.
- ☐ Each key individual has provided copies of two documents to support their identity. One of the documents includes a photo.