

ASSURANCE OF VOLUNTARY COMPLIANCE

Pursuant to s. 112.7 of the
Ontario Energy Board Act, 1998

Carmeuse Lime (Canada) Limited
Licence No. EW-2021-0140

OEB File No. EB-2023-0107
April 14, 2023

I. BACKGROUND

Ontario Energy Board (OEB) staff conducted an inspection of Carmeuse Lime (Canada) Limited (Carmeuse) pursuant to the OEB's finding, in proceeding EB-2021-0140, that Carmeuse had been operating as an electricity wholesaler in Ontario without a licence. Following the inspection, and in resolution of the contravention, Carmeuse provided this Assurance of Voluntary Compliance to the OEB under section 112.7 of the *Ontario Energy Board Act, 1998* (OEB Act).

II. STATEMENT OF FACTS

On April 15, 2021, Carmeuse filed an application with the OEB for an electricity wholesaler licence pursuant to section 60 of the OEB Act. With its application, Carmeuse stated that, after reviewing its records, Carmeuse learned that its electricity wholesaler licence (EW-2015-0258) had expired on October 14, 2020. Carmeuse acknowledged that after its licence expired, it continued to purchase power to support operations of its manufacturing plant in Ontario.

The OEB reviewed the licence application and, on August 26, 2021, issued a Decision and Order¹ granting Carmeuse a new electricity wholesaler licence (EW-2021-0140). In the Decision and Order, the OEB found that Carmeuse had been operating without a licence from October 14, 2020, until August 26, 2021. The OEB further noted that the granting of the new licence was without prejudice to any future compliance actions regarding Carmeuse's operating without a licence.

Operating in the IESO-administered markets without a licence is a contravention of section 57(e) of the OEB Act, which provides as follows:

¹ Decision and Order, EB-2021-0140, issued August 26, 2021.

Requirement to hold licence

57 Neither the IESO nor the Smart Metering Entity shall exercise their powers or perform their duties under the *Electricity Act, 1998* unless licensed to do so under this Part and no other person shall, unless licensed to do so under this Part,

(e) purchase electricity or ancillary services in the IESO-administered markets or directly from a generator;

Through the filing of its April 15, 2021 application and subsequent discussions with OEB staff, Carmeuse explained that the failure to secure a licence was an unintentional oversight due to changes in personnel in key positions. Carmeuse confirmed that it took steps to obtain the licence immediately after discovering the oversight and has updated its internal procedures to ensure that a similar situation will not occur in the future.

III. ASSURANCE

Carmeuse hereby assures the OEB that it has taken all appropriate measures to comply with the requirement under section 57 (e) of the OEB Act to hold a licence for the purpose of purchasing electricity or ancillary services in the IESO-administered markets or directly from a generator.

Carmeuse also hereby assures the OEB that it will comply with the terms of its electricity wholesaler licence EW-2021-0140, including the obligation under section 8.1 of the licence to designate a person to act as a primary contact with the OEB on matters related to the licence, and to promptly notify the OEB should the contact details change.

IV. ADMINISTRATIVE MONETARY PENALTY

Carmeuse agrees to pay an administrative monetary penalty to the OEB in the amount of \$4,500. Payment will be made electronically, together with notice sent to the Registrar, within two weeks of Carmeuse having received notice of the acceptance of this assurance by the OEB.

V. FAILURE TO COMPLY

This Assurance of Voluntary Compliance has the same force and effect as an order of the OEB pursuant to section 112.7 (2) of the OEB Act and any failure to comply with its terms shall be deemed to be a breach of an order of the OEB.

VI. EXECUTION

I have the authority to bind Carmeuse Lime (Canada) Limited to the terms set out in this Assurance of Voluntary Compliance.

Name: Jessica D Holcomb

Title: Legal Counsel

Company: Carmeuse Lime (Canada) Limited

Signature:



Dated this **14th** day of April, 2023.