



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

DECISION AND ORDER

EB-2024-0156 & EB-2024-0157

AG ENERGY CO-OPERATIVE LTD.

Applications for an Electricity Retailer Licence and a Gas Marketer Licence

BY DELEGATION, BEFORE:

Brian Hewson

Vice President, Consumer Protection & Industry Performance

May 28, 2024

DECISION AND ORDER

Ag Energy Co-operative Ltd. (Ag Energy) filed two applications on April 29, 2024, with the Ontario Energy Board (OEB). One application, filed pursuant to section 60 of the *Ontario Energy Board Act, 1998* (OEB Act), is for a renewal of its electricity retailer licence, and the other, filed pursuant to section 50 of the OEB Act, is for a renewal of its gas marketer licence.

The OEB combined the applications into one proceeding, under section 21(5) of the OEB Act. This Decision and Order is being issued by the Delegated Authority pursuant to Section 6 of the OEB Act. The Delegated Authority has considered the applications without holding a hearing pursuant to section 6(4) of the OEB Act.

AG Energy is a cooperative formed for the purpose of providing energy services to agricultural providers and processors. 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. The OEB also exempted AG Energy from compliance with certain provisions of the Electricity Retailer Code of Conduct and the Code of Conduct for Gas Marketers as they relate to, or are aligned with, Ag Energy's exemption from the ECPA.¹ The Code of Conduct exemptions apply only to the extent that Ag Energy is transacting with the members of the co-operative. Conditions in Ag Energy's existing licences require that it provide its members with notice of the exemptions as well as establishing certain reporting requirements relating to its contracting with, and supply to its members.

Ag Energy's applications for renewal of its electricity retailer and gas marketer licences are granted. The OEB also finds that the exemptions to the Code of Conduct, the requirements to give notice to its members of the exemptions and to provide the OEB with additional reporting are in the public interest and should be continued with the renewal of both licences.

¹ EB-2017-0015

IT IS ORDERED THAT:

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

DATED at Toronto, May 28, 2024

ONTARIO ENERGY BOARD

Brian Hewson
Vice President, Consumer Protection & Industry Performance