

ASSURANCE OF VOLUNTARY COMPLIANCE

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

Bracebridge Generation Ltd.
Licence No. EG-2023-0363

OEB File No. EB-2025-0166

June 10, 2025

I. BACKGROUND

Ontario Energy Board (OEB) staff conducted an inspection of Bracebridge Generation Ltd. (Bracebridge) following the OEB's proceeding, EB-2023-0363/EB-2024-0080, in which Bracebridge confirmed that it had been operating as an electricity generator in Ontario without a licence and operating a generation facility without licence authorization. Following the inspection, and in resolution of the contravention, Bracebridge 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 January 24, 2024, Bracebridge filed an application with the OEB for a new electricity generator licence pursuant to section 60 of the OEB Act. Bracebridge's previous electricity generation licence (EG-2003-0120) expired on October 7, 2023. On January 30, Bracebridge also filed an application for an amendment to its generation licence to include a generation facility it had acquired in April 2023 (Wasdell Falls Generating Station). Bracebridge acknowledged through the application process that it continued to generate electricity into the IESO-administered markets after its licence had expired, and that the additional generation facility had been operational since the date of its acquisition.

The OEB reviewed the licence application and on February 27, 2024, issued a Decision and Order (EB-2023-0363/EB-2024-0080) granting Bracebridge a new electricity generator licence (EG-2023-0363), which included Wasdell Falls Generating Station in Schedule 1 of the licence. In the Decision and Order, the OEB noted that Bracebridge had filed its application for licence renewal 66 days after its previous generation licence had expired, and that it had been operating the Wasdell Falls Generating Station since April 2023 without submitting a request to the OEB for an amendment to its licence to include the acquired facility.

The OEB further noted therein that the granting of the new licence was without prejudice to any future compliance actions regarding Bracebridge having operated without a licence or operating a generation facility without licence authorization.

Generating electricity for sale into the IESO-administered markets or directly to another person without a licence is a contravention of section 57(c) of the OEB Act, which provides as follows:

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,
(c) generate electricity or provide ancillary services for sale through the IESO-administered markets or directly to another person;

Bracebridge explained that the failure to secure a renewal of its electricity generation licence prior to its expiry on October 7, 2023, was an administrative oversight resulting from a retirement of an important team member and successor overburdened in their new role, which led to the required renewal being overlooked by Bracebridge.

Bracebridge has taken steps to ensure the continuity of its licence, including i) a new team member now administering the OEB licences and their schedules ii) strongly considering utilizing a legal firm with OEB regulatory experience in the future, and iii) including OEB licence reviews in the annual Risk Assessment Review.

III. ASSURANCE

Bracebridge hereby assures the OEB that it has taken all appropriate measures to comply with the requirement under section 57 (c) of the OEB Act to hold a licence for the purpose of generating electricity for sale in the IESO-administered markets or directly to another person.

Bracebridge also hereby assures the OEB that it will comply with the terms of its electricity generation licence (EG-2023-0363), including the obligation under section 10.1 therein 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

Bracebridge agrees to pay an administrative monetary penalty to the OEB in the amount of \$2,000. Payment will be made electronically, together with notice sent to the Registrar, within two (2) weeks of Bracebridge 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 Bracebridge Generation Ltd. to the terms set out in this Assurance of Voluntary Compliance.

Name: Chris Litschko

Title: Chief Executive Officer

Company: Bracebridge Generation Ltd.

Signature: 

Dated this 10th day of June 2025.