

ASSURANCE OF VOLUNTARY COMPLIANCE

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

Alexian Energy Services Inc.

Licence No. ES-2019-0079

OEB File No. EB-2019-0197

August 16, 2019

I. BACKGROUND

Ontario Energy Board (OEB) staff conducted an inspection of Alexian Energy Services Inc. (Alexian) pursuant to the OEB's finding, in proceeding EB-2019-0079 that Alexian had been engaging in unit sub-metering in Ontario without a licence from December 2018 to February 2019.¹

II. STATEMENT OF FACTS

On February 15, 2019 Alexian filed an application with the OEB for the renewal of a unit sub-metering licence, pursuant to section 57 of the *Ontario Energy Board Act, 1998* (OEB Act). Together with the application, Alexian reported that it had failed to renew its prior unit sub-metering licence No. ES-2013-0370 before it expired on December 18, 2018. Upon notification by OEB staff on January 24, 2019 that it appeared that Alexian was unit sub-metering without a licence, Alexian filed an application. Through its February 15, 2019 application filing (and subsequent meetings with OEB staff), Alexian explained that the failure to secure a renewal of the licence prior to its expiry was inadvertent. Alexian had understood that by simply paying its annual licensing fee that the unit sub-metering licence would be renewed

By Decision and Order issued February 21, 2019, the OEB granted Alexian an interim licence with an expiry of June 30, 2019. By subsequent Decision and Order issued June 20, 2019, the OEB granted Alexian a new unit sub-metering licence (ES-2019-0079) for a full five-year term.² In the June 20 Decision and Order, the OEB indicated that Alexian may still be subject to an OEB compliance proceeding with respect to the contravention. The OEB stated:

¹ Decision and Order, EB-2019-0079, issued June 20, 2019

² *Ibid.*

The applicant failed to renew its previous unit sub-metering licence ES-2013-0370 before it expired on December 18, 2018. The applicant has been operating without a licence, in contravention of section 57 of the OEB Act, and may be subject to an OEB compliance proceeding.

Engaging in unit sub-metering without a licence is a contravention of section 57 of the OEB Act. Section 57(c.1) of the OEB Act states 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.1) engage in unit sub-metering;

The OEB stated the new licence was being granted to Alexian “without prejudice with regard to any future compliance actions”.

III. ASSURANCE

Alexian hereby assures the OEB that it has taken all appropriate measures necessary to comply with the requirement under section 57 of the OEB Act that it not engage in unit-submetering without holding a valid OEB-issued licence.

IV. ADMINISTRATIVE MONETARY PENALTY

Alexian agrees to pay an administrative monetary penalty to the OEB in the amount of \$2,000. Payment will be made by cheque or electronically with notice sent to the Board Secretary, within two weeks of Alexian 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 Board 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.

VII. EXECUTION

I have the authority to bind Alexian Energy Services Inc. to the terms set out in this Assurance of Voluntary Compliance.

Name: IAN VERNON
Title: CEO
Company: ALEXIAN ENERGY
Signature: 

Dated this 16 day of Aug 2019.