

ASSURANCE OF VOLUNTARY COMPLIANCE

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

Plant-E Corp.

Licence No. EW-2020-0082

OEB File No. EB-2020-0166

August 18, 2020

I. BACKGROUND

Ontario Energy Board (OEB) staff conducted an inspection of Plant-E Corp. (Plant-E). The inspection was carried out following the OEB's finding, in proceeding EB-2020-0082, that Plant-E had been operating as an electricity wholesaler in Ontario without a licence for a period of approximately 6 months from October 2019 to April 2020.¹ Following the inspection, and in resolution of the contravention, Plant-E 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 February 11, 2020, Plant-E filed an application with the OEB for a new electricity wholesaler licence, pursuant to section 57 of the OEB Act. Together with the application, Plant-E self-reported that it had failed to renew its prior electricity wholesaler licence, EW-2013-0429, before it expired.

The OEB reviewed the application and, on April 23, 2020, issued a Decision and Order² granting Plant-E a new electricity wholesaler licence, EW-2020-0082. In the Decision and Order, the OEB indicated that Plant-E may still be subject to an OEB compliance proceeding with respect to the contravention, and that the licence was being granted "without prejudice with regard to any future compliance actions".

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-2020-0082, issued April 23, 2020

² *Ibid.*

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 its February 11 application filing, and subsequent meetings with OEB staff, Plant-E explained that the failure to secure a renewal of the licence prior to its expiry was unintentional. Plant-E mistakenly believed that the payment of the OEB's annual licensing fee also meant that the licence was renewed. Plant-E confirmed that, upon discovering the oversight, it took immediate steps to renew the licence and has since updated its internal procedures in order to ensure that this type of contravention does not occur in the future.

III. ASSURANCE

Plant-E hereby assures the OEB that it has taken all appropriate measures to comply with the requirement under section 57(e) of OEB Act that it not purchase electricity or ancillary services in the IESO-administered markets or directly from a generator without holding a valid licence.

Plant-E also hereby assures the OEB that it will comply with the terms of its electricity wholesaler licence, EW-2020-0082, including the obligation under section 8.1 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

Plant-E agrees to pay an administrative monetary penalty to the OEB in the amount of \$3,500. Payment will be made by cheque or electronically with notice sent to the Registrar, within two weeks of Plant-E 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.

VII. EXECUTION OF ASSURANCE

I have the authority to bind Plant-E Corp. to the terms set out in this Assurance of Voluntary Compliance.

Name: TIERNE PLANT
Title: CEO
Company: PLANT-E CORP.
Signature: Tierne Plant

Dated this 8 day of August 2020