

ASSURANCE OF VOLUNTARY COMPLIANCE

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

Eacom Timber Corporation

Licence No. EW-2019-0226

OEB File No. EB-2021-0103

May 19, 2021

I. BACKGROUND

Ontario Energy Board (OEB) staff conducted an inspection of Eacom Timber Corporation (Eacom) pursuant to the OEB's finding, in proceeding EB-2019-0226, that Eacom had been operating as an electricity wholesaler in Ontario without a licence since May 2016.¹ Following the inspection, and in resolution of the contravention, Eacom 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 September 10, 2019, Eacom filed an application with the OEB for an electricity wholesaler licence, pursuant to section 60 of the OEB Act. Together with the application, Eacom confirmed that it had been operating as an electricity wholesaler without a license since its previous wholesaler licence expired on May 25, 2016.

The OEB reviewed the application and, on November 7, 2019, issued a Decision and Order granting Eacom an electricity wholesaler licence (EW-2019-0226).² In the Decision and Order, the OEB noted that Eacom had been operating without a licence for a period of greater than three years, and that in so doing it had contravened section 57 of the OEB Act. The OEB also stated that Eacom may be subject to a potential OEB compliance proceeding with respect to the contravention and that the licence was being granted without prejudice with regard to any future compliance actions.

¹ Decision and Order, EB-2019-0226, issued November 7, 2019

² *Ibid.*

Operating in the IESO-administered markets without a licence is a contravention of section 57 of the OEB Act. Section 57(e) of the OEB Act specifically 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, ...

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

Through its September 10, 2019 application filing, and subsequent discussions with OEB staff, Eacom explained that the failure to secure a licence was the result of an unintentional oversight due to changes in personnel following a restructuring. Eacom confirmed that, upon discovering the oversight, it took steps to obtain the licence and has since updated its internal procedures in order to ensure that this type of contravention does not occur in the future. Eacom explained that it has put in place new controls to ensure the continuity of its licence requirements.

III. ASSURANCE

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

Eacom also hereby assures the OEB that it will comply with the terms of its electricity wholesaler licence EW-2019-0226, 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 by email to registrar@oeb.ca.

IV. ADMINISTRATIVE MONETARY PENALTY

Eacom agrees to pay an administrative monetary penalty to the OEB in the amount of \$14,000. Payment will be made electronically together with notice sent to the Registrar by email at registrar@oeb.ca, within 30 days of Eacom 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 Eacom Timber Corporation to the terms set out in this Assurance of Voluntary Compliance.

Name: Patrick Belisle

Title: Vice President & CFO

Company: Eacom Timber Corporation

Signature:  _____

Dated this ____ day of May 19, 2021.