

# **ASSURANCE OF VOLUNTARY COMPLIANCE**

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

**Trilliant Networks (Canada) Inc.**

Licence No. ES-2021-0164

OEB File No. EB-2022- 0182

June 23, 2022

## I. INTRODUCTION AND SUMMARY

Ontario Energy Board (OEB) staff conducted an inspection of Trilliant Networks (Canada) Inc. (Trilliant) pursuant to the OEB's finding, in proceeding EB-2021-0164, that Trilliant continued to provide unit sub-metering services in Ontario after its licence had expired in October 2019<sup>1</sup>. Following the inspection, and in resolution of the contravention, Trilliant 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 June 10, 2021, Trilliant filed an application with the OEB for a unit sub-metering licence, pursuant to section 60 of the OEB Act. Together with the application, Trilliant confirmed that it had been providing unit sub-metering services without a licence since its previous unit sub-metering licence expired on October 8, 2019.

The OEB reviewed the application and, on July 22, 2021, issued a Decision and Order granting Trilliant a new unit sub-metering licence (ES-2021-0164). In the Decision and Order, the OEB noted that Trilliant had been operating without a licence for a period of 21 months and that, in so doing, it had contravened section 57 of the OEB Act. The OEB also stated that Trilliant may 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.

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<sup>1</sup> Decision and Order, EB-2021-0164, issued July 22, 2021

Providing Unit Sub-metering services to customers without a licence is a contravention of section 57 (c.1) 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.1)** engage in unit sub-metering

Through the filing of its June 10, 2021, application, and subsequent discussions with the OEB staff, Trilliant explained that the non-compliance was an unintentional oversight due to a large turnover in personnel resulting from a period of organizational changes. Trilliant confirmed that it took steps to obtain the licence immediately after discovering the oversight. Trilliant also confirmed that it has introduced new system controls to ensure the continuity of its licence, which directly addresses OEB staff concerns about Trilliant managing customer accounts and services while unlicensed to do so.

**III. ASSURANCE**

Trilliant hereby assures the OEB that it has taken all appropriate measures to comply with the requirement under section 57(c.1) of the OEB Act that it has a licence for the purpose of engaging in unit sub-metering.

Trilliant also hereby assures the OEB that it will comply with the terms of its unit sub-metering licence ES-2021-0164, 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**

Trilliant agrees to pay an administrative monetary penalty to the OEB in the amount of \$10,000. Payment will be made electronically with notice sent to the Registrar, within two weeks of Trilliant 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 Trilliant Networks (Canada) Inc. to the terms set out in this Assurance of Voluntary Compliance.

Name: Steven Lupo\_\_\_\_\_

Title: MD, Canada\_\_\_\_\_

Company: Trilliant Networks (Canada) Inc\_\_\_\_\_

Signature: \_\_\_\_\_

Dated this 23 day of June 2022.