

ASSURANCE OF VOLUNTARY COMPLIANCE

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

**Enbridge Pipelines Inc.
Licence No. EW-2021-0316**

OEB File No. EB-2023-0150

June 12, 2023

I. BACKGROUND

Ontario Energy Board (OEB) staff conducted an inspection of Enbridge Pipelines Inc. (Enbridge Pipelines) pursuant to the OEB's finding, in proceeding EB-2021-0316, that Enbridge Pipelines had been operating as an electricity wholesaler in Ontario without a licence. Following the inspection, and in resolution of the contravention, Enbridge Pipelines 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 December 8, 2021, Enbridge Pipelines filed an application with the OEB for an electricity wholesaler licence pursuant to section 60 of the OEB Act. With its application, Enbridge Pipelines stated that after reviewing its records, Enbridge Pipelines learned that its electricity wholesaler licence (EW-2016-0121) had expired on April 6, 2021. Enbridge Pipelines acknowledged that after its licence expired, it continued to purchase power to support its operations in Ontario.

The OEB reviewed the licence application and on February 10, 2022 issued a Decision and Order (EB-2021-0316) granting Enbridge Pipelines a new electricity wholesaler licence (EW-2021-0316). In the Decision and Order, the OEB noted that Enbridge Pipelines had been operating without a licence from April 7, 2021 until February 10, 2022. The OEB further noted that the granting of the new licence was without prejudice to any future compliance actions regarding Enbridge Pipelines operating without a licence.

Operating in the IESO-administered markets without a licence is a contravention of section 57(e) 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,

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

Through the filing of its December 8, 2021 application and subsequent discussions with OEB staff, Enbridge Pipelines explained that the failure to secure a licence was an unintentional oversight. Enbridge Pipelines confirmed that it took steps to obtain the license immediately after discovering the oversight and has updated its internal procedures to ensure that a similar situation will not occur in the future.

III. ASSURANCE

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

Enbridge Pipelines also hereby assures the OEB that it will comply with the terms of its electricity wholesaler licence EW-2021-0316, 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

Enbridge Pipelines agrees to pay an administrative monetary penalty to the OEB in the amount of \$4,500. Payment will be made electronically, together with notice sent to the Registrar, within two weeks of Enbridge Pipelines 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.

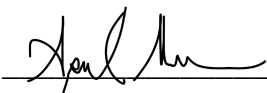
VI. EXECUTION

I have the authority to bind Enbridge Pipelines Inc. to the terms set out in this Assurance of Voluntary Compliance.

Name: April Moon

Title: VP - LP Asset Performance, Power & Emissions

Company: Enbridge Pipelines Inc.

Signature: 

Dated this **12th** day of June, 2023.