

# **ASSURANCE OF VOLUNTARY COMPLIANCE**

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

**NorthernTel Limited Partnership  
Licence No. EW-2023-0141**

**OEB File No. EB-2024-0229**

**September 12, 2024**

## **I. BACKGROUND**

Ontario Energy Board (OEB) staff conducted an inspection of NorthernTel Limited Partnership (NorthernTel) pursuant to the OEB's finding, in proceeding EB-2023-0141, that NorthernTel had been operating as an electricity wholesaler in Ontario without a licence. Following the inspection, and in resolution of the contravention, NorthernTel 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 20, 2023, NorthernTel filed an application with the OEB for a new electricity wholesaler licence pursuant to section 60 of the OEB Act. NorthernTel's previous electricity wholesaler licence (EW-2017-0345) was set to expire on March 7, 2023. NorthernTel had commenced a licence renewal application on January 23, 2023. However, the application was not completed by NorthernTel in advance of the expiry of its licence. NorthernTel acknowledged through the application process that after its licence expired, it continued to purchase power to support its operations in Ontario.

The OEB reviewed the licence application and on July 11, 2023 issued a Decision and Order (EB-2023-0141) granting NorthernTel a new electricity wholesaler licence (EW-2023-0141). In the Decision and Order, the OEB noted that NorthernTel had been operating without a licence since March 7, 2023. The OEB further noted therein that the granting of the new licence was without prejudice to any future compliance actions regarding NorthernTel having operated 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;

NorthernTel explained that the failure to secure a renewal of its electricity wholesaler licence prior to its expiry on March 7, 2023, was due to a technical difficulty NorthernTel experienced when attempting to submit their application on the OEB's online licensing portal. NorthernTel acknowledges the need to start the renewal process sufficiently in advance of the expiry of its licence to allow OEB staff to review and process the application, as well as to address and assist in correcting any unforeseen issues or difficulties. NorthernTel assures that, as a precaution, it has taken steps to build in redundancy in its internal licence renewal reminder process to ensure that multiple individuals are notified when its electricity wholesaler licence is nearing expiry.

### **III. ASSURANCE**

NorthernTel 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.

NorthernTel also hereby assures the OEB that it will comply with the terms of its electricity wholesaler licence (EW-2023-0141), 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**

NorthernTel agrees to pay an administrative monetary penalty to the OEB in the amount of \$1,700. Payment will be made electronically, together with notice sent to the Registrar, within two (2) weeks of NorthernTel 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 NorthernTel Limited Partnership to the terms set out in this Assurance of Voluntary Compliance.

Name: Gerard Bruneau

Title: Regional Manager of Operations

Company: NorthernTel LP

Signature: 

Dated this 12 day of September, 2024.