



## DELEGATED POWERS AND DUTIES – LICENCES, CODES, RULES AND ASSOCIATED APPROVALS

Item	Power or Duty	Legislative Provision
1	To grant leave for the <b>transfer or assignment</b> of a licence or authority given by the OEB	Section 18 of the Act
2	To <b>amend a licence</b> as required by a Ministerial directive or a regulation under section 104.3(1)(c) of the Act, unless the directive or regulation requires a hearing to be held	Sections 28, 28.1, 28.3, 28.6, 28.7 and 104.3(1)(c) of the Act
3	To issue, renew, amend or cancel a <b>gas marketing licence</b>	Sections 50-53 of the Act
4	To <b>extend an order made or interim licence issued under section 59</b> of the Act	Section 59(9) of the Act
5	To <b>issue, renew, amend or cancel a licence (electricity)</b>	Sections 60, 70(1), 74 and 77(5) of the Act
6	To grant an <b>approval, consent or make a determination that may be required for any of the matters provided for in a licence</b> issued under Part IV (Gas Marketing) or Part V (Regulation of Electricity) of the Act	Section 70(1.1) of the Act and any applicable licence conditions
7	To <b>approve exemptions</b> from a Rule issued under section 44 of the Act	Section 44(6) of the Act and any applicable provisions of a Rule
8	<p>To require licensees to <b>maintain records and provide information</b>. For greater certainty, this delegation includes:</p> <ul style="list-style-type: none"> <li>• the exercise of the OEB's powers under the <i>Electricity Reporting &amp; Record Keeping Requirements</i> and <i>Natural Gas Reporting and Record Keeping Requirements: Gas Marketer Licence Requirements</i>; and</li> <li>• the power to amend the <i>Electricity Reporting &amp; Record Keeping Requirements</i> and <i>Natural Gas Reporting and Record Keeping Requirements: Gas Marketer Licence Requirements</i>.</li> </ul> <p>This delegation does not include the power to:</p>	The condition in licences issued under Part IV (Gas Marketing) or Part V (Regulation of Electricity) of the Act that requires the licensee to maintain records of and provide, in the manner and form determined by the OEB, such information as the OEB may require from time to time

	<ul style="list-style-type: none"> <li>modify a reporting or record keeping requirement that is not included in the <i>Electricity Reporting &amp; Record Keeping Requirements</i> and <i>Natural Gas Reporting and Record Keeping Requirements: Gas Marketer Licence Requirements</i> and that was imposed by an order made by a panel of Commissioners.</li> </ul>	
9	To approve any <b>revisions to disclosure statements, price comparisons</b> (including, for greater certainty, any revisions to the price comparison instructions), <b>“tip sheet”</b> , and any other <b>OEB-approved documents required to be used by electricity retailers and gas marketers</b> under the <i>Electricity Retailer Code of Conduct</i> and the <i>Code of Conduct for Gas Marketers</i>	Sections 1.1(f.1), 4.1, 4.2 and 4.6 of Part II of each of the <i>Electricity Retailer Code of Conduct</i> and the <i>Code of Conduct for Gas Marketers</i>
10	To issue a notice of review of <b>proposals under section 80 and 81 of the Act</b> (or to determine a review is not required)	Sections 80-81 of the Act
11	To grant leave to an electricity transmitter or distributor to <b>sell, lease or otherwise dispose of that part of its transmission or distribution system</b> that is necessary in serving the public	Section 86(1)(b) of the Act
12	To establish the annual <b>distribution pole attachment charge</b> to be charged by distributors in accordance with O. Reg. 842/21	Section 5 of O. Reg. 842/21 (Electricity Infrastructure (Part VI.1 of the Act))
13	To grant an <b>extension of the time period</b> to comply with section 25.35.8(2) of the <i>Electricity Act, 1998</i> and sections 2 to 4 of O. Reg. 633/21 (Energy Data)	Section 25.35.8(5) of the <i>Electricity Act, 1998</i> and section 5 of O. Reg. 633/21 (Energy Data)
14	To approve a <b>form required by a Code or Rule</b>	Any provision of a Code or Rule issued by the OEB that provides for OEB approval of a form
15	To <b>exempt a person from the requirement to be licensed</b> in order to permit the person to participate in a pilot or demonstration project, and to extend, amend or revoke an exemption	Section 57.1 of the Act

## **SCHEDULE A**

### **CONDITIONS AND RESTRICTIONS**

1. A secondary delegated employee may only exercise a delegated power or duty if assigned a matter by the primary delegated employee.
2. Where a power or duty is delegated to an employee, the delegation includes any incidental powers and duties that a panel of Commissioners would have in exercising the power or duty if the power or duty were not delegated.
3. Where an application to the OEB requests a determination falling under a power or duty delegated to an employee and a determination under a power or duty that has not been delegated, the application will be dealt with in its entirety by a panel of Commissioners assigned by the Chief Commissioner.
4. Except where prohibited by the Act or another statute, the powers and duties delegated to an employee may be exercised on the employee's own motion.
5. Where a conflict exists between two or more delegations of the same power or duty, the most recent delegation prevails to the extent of the conflict.
6. If the delegated employee is of the opinion that, or is uncertain whether, an application for an exemption from a Rule, or an application for a licence amendment that would specify an exemption from a Code, raises significant factual, legal or policy issues, the employee must inform the Chief Commissioner of the nature of the matter before making an order or determination, who may appoint a panel of Commissioners to deal with the matter.
7. Forthwith after granting or specifying an exemption from a Code or Rule that is in the delegated employee's opinion material, or an exemption from a Code or Rule to multiple parties at once, the employee must notify the Chief Executive Officer so that the Chief Executive Officer may consider proposing an amendment to the Code or Rule.
8. Where an application by a licensed distributor for an amendment to that part of its licence specifying its service area is contested by another person, the delegated employee must before making an order or determination inform the Chief Commissioner of the application, who may appoint a panel of Commissioners to deal with the matter.

9. Where an application by an electricity transmitter or distributor for the disposition of assets under section 86(1)(b) of the Act does not include the consent of the other party to the proposed transaction, the delegated employee must before making an order or determination inform the Chief Commissioner of the application, who may appoint a panel of Commissioners to deal with the matter.