

# **ASSURANCE OF VOLUNTARY COMPLIANCE**

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

**Weyerhaeuser Company Limited**

**Licence No. EW-2021-0273**

**OEB File No. EB-2023-0089**

**March 16, 2023**

## **I. INTRODUCTION AND SUMMARY**

Ontario Energy Board (OEB) staff conducted an inspection of Weyerhaeuser Company Limited (Weyerhaeuser) pursuant to the OEB's finding, in proceeding EB-2021-0273, that Weyerhaeuser continued to operate as an electricity wholesaler in Ontario after its licence had expired in December 2005<sup>1</sup>. Following the inspection, and in resolution of the contravention, Weyerhaeuser 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 October 14, 2021, Weyerhaeuser filed an application with the OEB for an electricity wholesaler licence, pursuant to section 60 of the OEB Act. Together with the application, Weyerhaeuser confirmed that it had been operating as an electricity wholesaler without a licence since its previous wholesaler licence expired on December 4, 2005.

The OEB reviewed the application and, on December 16, 2021, issued a Decision and Order granting Weyerhaeuser a new electricity wholesaler licence (EW-2021-0273)<sup>2</sup>. In the Decision and Order, the OEB noted that Weyerhaeuser had been purchasing power in the IESO administered markets without a licence and that, in so doing, it had contravened section 57 of the OEB Act. The OEB also stated that Weyerhaeuser 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 action.

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<sup>1</sup> Decision and Order, EB-2021-0273, issued December 16, 2021

<sup>2</sup> *Ibid.*

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 application, and subsequent discussions with OEB staff, Weyerhaeuser explained that the failure to maintain a licence was due to Weyerhaeuser's oversight of the licensing and renewal process. Weyerhaeuser confirmed that it has introduced new system controls to ensure the continuity of its licence. This includes having an automated system to identify a date approximately six months prior to the expiry of its licence to ensure that the appropriate managerial staff are alerted to the need for renewal.

**III. ASSURANCE**

Weyerhaeuser 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.

Weyerhaeuser also hereby assures the OEB that it will comply with the terms of its electricity wholesaler licence EW-2021-0273, including the obligation under section 8.1 of the licence 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**

Weyerhaeuser agrees to pay an administrative monetary penalty to the OEB in the amount of \$50,000. Payment will be made electronically with notice sent to the Registrar, within two weeks of Weyerhaeuser 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 Weyerhaeuser Company Limited to the terms set out in this Assurance of Voluntary Compliance.

Name: David Graham

Title: President

Company: Weyerhaeuser Company Limited

Signature:   
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Dated this 16th day of March, 2023.