



## **Enfinite Corporation**

**Application for an Order Permitting the Sharing  
of Records Not Available to the Public Regarding  
the eReserve3 Battery Energy Storage Power Plant**

**August 10, 2022**

**Alberta Utilities Commission**

Decision 27475-D01-2022

Enfinite Corporation

Application for an Order Permitting the Sharing  
of Records Not Available to the Public Regarding  
the eReserve3 Battery Energy Storage Power Plant  
Proceeding 27475

Application 27475-A001

August 10, 2022

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Eau Claire Tower  
1400, 600 Third Avenue S.W.  
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Telephone: 310-4AUC (310-4282) in Alberta  
1-833-511-4AUC (1-833-511-4282) outside Alberta

Email: [info@auc.ab.ca](mailto:info@auc.ab.ca)

Website: [www.auc.ab.ca](http://www.auc.ab.ca)

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## Contents

<b>1</b>	<b>Decision summary</b> .....	<b>1</b>
<b>2</b>	<b>Introduction and procedural background</b> .....	<b>1</b>
<b>3</b>	<b>The Commission’s authority to allow record sharing</b> .....	<b>2</b>
<b>4</b>	<b>Submissions of the applicant</b> .....	<b>2</b>
	4.1 Is the proposed sharing of records reasonably necessary .....	2
	4.2 Fair, efficient and openly competitive operation of the electricity market.....	3
	4.3 Offer control.....	4
<b>5</b>	<b>Commission findings</b> .....	<b>4</b>
<b>6</b>	<b>Order</b> .....	<b>6</b>

## **1 Decision summary**

1. In this decision, the Alberta Utilities Commission considers whether to approve an application brought under Section 3 of the *Fair, Efficient and Open Competition Regulation*, by Enfinite Corporation (Enfinite) for the preferential sharing of records that are not available to the public between Enfinite, Enfinite LP, URICA Energy Real Time Ltd. (URICA Real Time) and URICA Asset Optimization Ltd.

2. As discussed in greater detail below, Enfinite established that the sharing of such records is reasonably necessary for it to carry out its business and that the shared records will not be used for any purpose that will not support the fair, efficient and openly competitive operation of the electricity market. On this basis, and noting the support of the Market Surveillance Administrator (MSA), the Commission has granted the application to permit the sharing of records pertaining to the Alberta energy market under Section 3(3) of the *Fair, Efficient and Open Competition Regulation*.

## **2 Introduction and procedural background**

3. On June 24, 2022, Enfinite filed an application<sup>1</sup> with the AUC pursuant to Section 3 of the *Fair, Efficient and Open Competition Regulation*. The application seeks an order from the Commission permitting the sharing of records not available to the public between Enfinite, Enfinite LP, URICA Real Time and URICA Asset Optimization. The requested order relates to the eReserve3 Battery Energy Storage Power Plant (asset ID ERV3), which is located near the hamlet of Clairmont and consists of 14 1.5-megawatt (MW) lithium-ion batteries, for a total generating capability of 21 MW.

4. In its application, Enfinite indicated that it and Enfinite LP have entered into commercial arrangements with URICA Real Time, which, among other things, appoint URICA Real Time as an agent of Enfinite to provide 24-hour real-time dispatch-desk service for operational energy market services and energy restatements for events at ERV3. Enfinite and Enfinite LP have also entered into commercial arrangements with URICA Asset Optimization, an organization that works with clients in establishing and optimizing offer strategies. These arrangements will make it necessary for Enfinite, Enfinite LP, URICA Real Time and URICA Asset Optimization to share with each other certain records that are not otherwise available to the public, including energy price, volume pairs and available capability. The agreement between the companies is for services to be provided until the earlier of June 1, 2029, or the termination of the commercial arrangements.

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<sup>1</sup> Application 27475-A001.

5. The AUC issued a notice of the application on June 28, 2022. In the notice, the Commission advised that the parties granted standing in the proceeding were limited to Enfinite and the MSA, in accordance with Section 3(5) of the *Fair, Efficient and Open Competition Regulation*.

6. On July 7, 2022, the MSA advised the Commission that it supports the application of Enfinite and does not require further evidentiary process.

7. The Commission considers the record for this proceeding closed as of July 7, 2022.

8. The Commission reviewed the entire record in coming to this decision; lack of reference to a matter addressed in evidence or argument does not mean that it was not considered.

### **3 The Commission's authority to allow record sharing**

9. Section 3(1) of the *Fair, Efficient and Open Competition Regulation* establishes that an electricity market participant shall not share records that are not available to the public relating to any past, current or future price and quantity offers made to the power pool or for the provision of ancillary services. Section 3(2) establishes instances where records that are not available to the public may be shared. Section 3(3) allows the Commission to issue an order permitting the sharing of records, stating:

(3) The Commission may, on application by a market participant that is otherwise prohibited from sharing records referred to under subsection (1), issue an order permitting the sharing of those records on any terms and conditions the Commission considers appropriate where the market participant establishes that

- (a) the records will not be used for any purpose that does not support the fair, efficient and openly competitive operation of the electricity market, including the conduct referred to in section 2, and
- (b) the sharing of the records is reasonably necessary for the market participant to carry out its business.

10. Another factor that the Commission considers in making a determination on the sharing of records is market share offer control. Section 5(5) of the *Fair, Efficient and Open Competition Regulation* states that a market participant shall not hold offer control in excess of 30 per cent of the total maximum capability of generating units in Alberta.

11. The Commission is also cognizant of the requirement in Section 6 of the *Electric Utilities Act* that “[m]arket participants are to conduct themselves in a manner that supports the fair, efficient and openly competitive operation of the market.”

### **4 Submissions of the applicant**

#### **4.1 Is the proposed sharing of records reasonably necessary**

12. Enfinite and Enfinite LP do not have an internal 24-hour real-time dispatch desk in order to address events at power producers as required by the independent system operator (ISO) rules. URICA Real Time provides this dispatch-desk service to clients for operational energy market

services, ancillary services, dispatch-down services and energy restatements for events at generators as required by the ISO rules and has the necessary expertise and resources to assist Enfinite and Enfinite LP.

13. URICA Asset Optimization has the necessary expertise and resources to assist Enfinite and Enfinite LP by helping them to establish and optimize offer strategies for ERV3.

14. For this reason, Enfinite asserted that the sharing of non-public records relating to ERV3 is reasonably necessary in order for it to carry out its business regarding ERV3. Written representations from senior officers of Enfinite and Enfinite LP, attesting to the necessity for the sharing of records with URICA Real Time and URICA Asset Optimization, were filed with the application.

#### **4.2 Fair, efficient and openly competitive operation of the electricity market**

15. As part of the application, written representations from senior officers of Enfinite and Enfinite LP were filed indicating that the records subject to preferential information sharing will not be used for any purpose that does not support the fair, efficient and openly competitive operation of the Alberta electricity market, including but not limited to, the conduct referred to in Section 2 of the *Fair, Efficient and Open Competition Regulation*.

16. The senior officers' written representations also identified that Enfinite and Enfinite LP have formal systems of controls and policies which ensure that the information shared with URICA Real Time and URICA Asset Optimization will be handled appropriately, including adherence to Section 2 of the *Fair, Efficient and Open Competition Regulation*.

17. Additionally, the written representations from the senior officers of Enfinite and Enfinite LP confirmed that both companies have in place a *Code of Ethics Policy* relating to compliance with all laws and regulations pertaining to the business of Enfinite and Enfinite LP and confidentiality of information. This compliance applies to all officers and employees of Enfinite and its affiliates.

18. Written representations from senior officers of URICA Real Time and URICA Asset Optimization were filed with the application, which confirm that any records shared with URICA Real Time and URICA Asset Optimization will not be used for any purpose that does not support the fair, efficient and openly competitive operation of the Alberta electricity market, including but not limited to the conduct referred to in Section 2 of the *Fair, Efficient and Open Competition Regulation*. The senior officers of both companies confirmed that the companies both have a formal compliance plan and program in place to safeguard confidential and commercially sensitive information and access to such information, including non-public quantity-offer information and the confidential information of companies with which URICA Real Time and URICA Asset Optimization do business. All of URICA Real Time and URICA Asset Optimization's employees, officers and affiliates are required to acknowledge and comply with the compliance plan and the *Fair, Efficient and Open Competition Regulation*. Access to secured information is strictly controlled and monitored.

### 4.3 Offer control

19. Enfinite advised that the total offer control of Enfinite, Enfinite LP and affiliated companies is 0.7 per cent, that the total offer control of URICA Real Time is zero per cent and that URICA Asset Optimization's offer control is 1.9 per cent, all of which are less than the offer-control limit of 30 per cent, as set out in Section 5(5) of the *Fair, Efficient and Open Competition Regulation*.

## 5 Commission findings

20. Section 3(3) of the *Fair, Efficient and Open Competition Regulation* authorizes the Commission to issue an order permitting the sharing of records on any terms and conditions that the Commission considers appropriate, provided that certain requirements are satisfied. For the reasons that follow, the Commission finds that those requirements have been met.

21. The Commission is satisfied that Enfinite has demonstrated that (i) the sharing of records with URICA Real Time and URICA Asset Optimization is reasonably necessary for Enfinite to carry out its business; and (ii) the subject records will not be used for any purpose that does not support the fair, efficient and openly competitive operation of the Alberta electricity market, including the conduct referred to in Section 2 of the *Fair, Efficient and Open Competition Regulation*. The Commission is further satisfied that Enfinite, Enfinite LP, URICA Real Time and URICA Asset Optimization will conduct themselves in a manner that supports the fair, efficient and openly competitive operation of the market. In making these findings, the Commission has relied on:

- (a) Submissions from Enfinite stating that it and Enfinite LP do not have an internal 24-hour real-time dispatch desk in order to address events at power producers as required by the ISO rules.
- (b) Written representations from senior officers of Enfinite, Enfinite LP, URICA Real Time and URICA Asset Optimization confirming that any records subject to preferential information sharing will not be used for any purpose that does not support the fair, efficient and openly competitive operation of the Alberta electricity market and that they will conduct themselves in a manner that supports the operation of the markets.
- (c) Written representations from Enfinite and Enfinite LP confirming that they have formal systems of controls and policies that ensure the information shared with Enfinite and Enfinite LP will not be used for any purpose that does not support the fair, efficient and openly competitive operation of the Alberta electricity market, including the conduct referred to in Section 2 of the *Fair, Efficient and Open Competition Regulation*. The Commission understands that all employees and others conducting business on behalf of Enfinite and Enfinite LP are required to comply with these policies.

- (d) Written representations from URICA Real Time and URICA Asset Optimization stating that they have a formal system of controls and policies that ensure the information shared with URICA Real Time and URICA Asset Optimization will not be used for any purpose that does not support the fair, efficient and openly competitive operation of the Alberta electricity market, including the conduct referred to in Section 2 of the *Fair, Efficient and Open Competition Regulation*. The Commission understands that all officers and employees of URICA Real Time and URICA Asset Optimization are required to comply with these policies.

22. The Commission also finds that offer-control figures for all entities involved (both before and after any approval to share records) are less than the offer-control limit of 30 per cent, as set out in Section 5(5) of the *Fair, Efficient and Open Competition Regulation*.

23. Finally, the Commission considers the MSA's support of this application to be a contributing factor in its determination to permit the sharing of records, given the MSA's mandate under Section 39(2)(a)(vi) of the *Alberta Utilities Commission Act*, to survey, investigate or enforce the "arrangements, information sharing and decisions relating to electricity market participants exchanging or wishing to exchange electric energy and ancillary services or any aspect of those activities."

24. For all of the above reasons, the Commission is prepared to issue an order allowing Enfinite and Enfinite LP to share records not available to the public with URICA Real Time and URICA Asset Optimization, subject to the following terms and conditions:

- (a) The order applies to the sharing of non-public price, quantity and availability information, between Enfinite, Enfinite LP, URICA Real Time and URICA Asset Optimization, pertaining to ERV3, that may relate to ERV3's participation in the Alberta energy market, as described in the application.
- (b) Enfinite, Enfinite LP, URICA Real Time and URICA Asset Optimization must notify the Commission of the termination of the commercial arrangements between Enfinite, Enfinite LP, URICA Real Time and URICA Asset Optimization as soon as is practicable and within 30 days of the termination of such commercial arrangements.
- (c) Enfinite, Enfinite LP, URICA Real Time and URICA Asset Optimization must notify the Commission of any material changes to the information and continued applicability of any representations included within this application that may affect the compliance of Enfinite, Enfinite LP, URICA Real Time or URICA Asset Optimization with the *Fair, Efficient and Open Competition Regulation* as soon as is practicable and within 30 days of the material changes.

25. The order shall be effective from the date of this decision until the earlier of June 1, 2029, or the termination of commercial arrangements between Enfinite, Enfinite LP, URICA Real Time and URICA Asset Optimization.



## 6 Order

26. Pursuant to the provisions of Section 3 of the *Fair, Efficient and Open Competition Regulation*, the Commission grants the application for the sharing of records as set out in the following order granted to Enfinite Corporation, Enfinite LP, URICA Energy Real Time Ltd. and URICA Asset Optimization Ltd., which is a separate disposition in this proceeding:

- (1) Preferential Sharing of Records – eReserve3 Battery Energy Storage Power Plant – Order 27475-D02-2022

Dated on August 10, 2022.

### **Alberta Utilities Commission**

*(original signed by)*

Fino Tiberi  
Executive Director, Market Oversight and Enforcement Division  
On behalf of the Alberta Utilities Commission