



Enfinite Corporation

**Application for Orders Permitting the Sharing
of Records Not Available to the Public Regarding
the eReserve 7, 8 and 9 Battery Energy Storage
Power Plants**

December 13, 2023

Alberta Utilities Commission

Decision 28650-D01-2023

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the eReserve 7, 8 and 9 Battery Energy

Storage Power Plants

Proceeding 28650

Application 28650-A001

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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 orders allowing the preferential sharing of records that are not available to the public between Enfinite, Enfinite Limited Partnership (Enfinite LP), URICA Energy Real Time Ltd. (URICA) and URICA Asset Optimization Ltd. (URICA Optimization).

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 Alberta 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 electricity market under Section 3(3) of the *Fair, Efficient and Open Competition Regulation*.

2 Introduction and procedural background

3. On November 23, 2023, Enfinite filed an application¹ with the AUC pursuant to Section 3 of the *Fair, Efficient and Open Competition Regulation*. The application seeks orders from the Commission permitting the sharing of records not available to the public between Enfinite, Enfinite LP, URICA and URICA Optimization. The requested orders relate to the eReserve 7, 8 and 9 Battery Energy Storage Power Plants (asset IDs ERV7, ERV8 and ERV9). ERV7 and ERV8 are located near the Wapiti Formation, and consist of 22 2.4-megavolt ampere lithium-ion batteries, for a total generating capability of 40 megawatts (MW). ERV9 is located near the hamlet of Hythe and consists of 11 2.4-megavolt ampere lithium-ion battery modules, for a total generating capability of 20 MW.

4. In its application, Enfinite indicated that it has entered into commercial arrangements with URICA, which, among other things, appoint URICA 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 ERV7, ERV8 and ERV9. Enfinite indicated that it has also entered into commercial arrangements with URICA Optimization for the purpose of considering strategically optimal offer strategies and pricing options for ERV7, ERV8 and ERV9, as URICA Optimization has the expertise to assist Enfinite in these matters. These arrangements make it necessary for Enfinite, Enfinite LP, URICA and URICA Optimization to share with each

¹ Application 28650-A001.

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.

5. The AUC issued a notice of the application on November 28, 2023. In the notice, the Commission advised that the parties granted standing in the proceeding are limited to Enfinite and the MSA, in accordance with Section 3(5) of the *Fair, Efficient and Open Competition Regulation*.

6. On December 8, 2023, 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 December 8, 2023.

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 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. Enfinite and Enfinite LP have also entered into commercial arrangements with URICA Optimization for the purpose of considering strategically optimal offer strategies and pricing options for ERV7, ERV8 and ERV9, as URICA Optimization has the expertise to assist in these matters.

14. For this reason, Enfinite asserted that the sharing of non-public records relating to ERV7, ERV8 and ERV9 is reasonably necessary in order for it to carry out its business regarding ERV7, ERV8 and ERV9. A written representation from a senior officer of Enfinite and Enfinite LP, attesting to the necessity for the sharing of records with URICA and URICA Optimization, was filed with the application.

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

15. As part of the application, a written representation from a senior officer of Enfinite and Enfinite LP was 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 officer's written representation also identified that Enfinite and Enfinite LP have formal systems of controls and policies which ensure that the information shared with URICA and URICA Optimization will be handled appropriately, including adherence to Section 2 of the *Fair, Efficient and Open Competition Regulation*.

17. Additionally, the written representation from the senior officer of Enfinite confirmed that it has in place a *Code of Ethics Policy*, which requires all officers and employees of Enfinite and its affiliates to comply with the laws and relevant rules and regulations, including the protection of confidentiality of information.

18. A written representation from a senior officer of URICA and URICA Optimization was filed with the application, which confirms that any records shared with URICA and URICA 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 officer confirmed that both of the companies 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 and URICA Optimization do business. All of URICA's and URICA Optimization's employees, officers and affiliates are required to acknowledge and comply with the companies' compliance plans and programs and with 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 and affiliated companies is 1.3 per cent, that the total offer control of URICA is zero per cent, and that the total offer control of URICA Optimization is 7.4 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 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, URICA and URICA 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 neither it nor Enfinite LP 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 and URICA 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 market.
- (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 and URICA Optimization stating that both companies have formal systems of controls and policies that ensure the information shared with URICA and URICA 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 and URICA 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 orders allowing Enfinite and Enfinite LP to share records not available to the public regarding ERV7, ERV8 and ERV9 with URICA and URICA Optimization, subject to the following terms and conditions:

- (a) The orders apply to the sharing of non-public price, quantity and availability information, between Enfinite Corporation, Enfinite Limited Partnership, URICA Asset Optimization Ltd. and URICA Energy Real Time Ltd., pertaining to ERV7, ERV8 and ERV9, that may relate to ERV7, ERV8 and ERV9's participation in the Alberta electricity market, as described in the application.
- (b) Enfinite Corporation, Enfinite Limited Partnership, URICA Asset Optimization Ltd. and URICA Energy Real Time Ltd. must notify the Commission of the termination of the commercial arrangements between Enfinite Corporation, Enfinite Limited Partnership, URICA Asset Optimization Ltd. and URICA Energy Real Time Ltd. as soon as is practicable and within 30 days of the termination of such commercial arrangements.
- (c) Enfinite Corporation, Enfinite Limited Partnership, URICA Asset Optimization Ltd. and URICA Energy Real Time Ltd. 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 Corporation, Enfinite Limited Partnership, URICA Asset Optimization Ltd. or URICA Energy Real Time Ltd. with the *Fair, Efficient and Open Competition Regulation* as soon as is practicable and within 30 days of the material changes.

25. The orders shall be effective from the date of this decision until the earlier of June 1, 2029, or the termination of commercial arrangements between Enfinite Corporation, Enfinite Limited Partnership, URICA Asset Optimization Ltd. and URICA Energy Real Time Ltd.

6 Orders

26. Pursuant to 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 orders granted to Enfinite Corporation, Enfinite Limited Partnership, URICA Asset Optimization Ltd. and URICA Energy Real Time Ltd., which are separate dispositions in this proceeding:

- (1) Preferential Sharing of Records – eReserves 7 and 8 Battery Energy Storage Power Plant – Order 28650-D02-2023
- (2) Preferential Sharing of Records – eReserve 9 Battery Energy Storage Power Plant – Order 28650-D03-2023

Dated on December 13, 2023.

Alberta Utilities Commission

(original signed by)

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