



EB-2010-0044

IN THE MATTER OF the *Ontario Energy Board Act, 1998*, S.O.1998, c.15, Schedule B;

AND IN THE MATTER OF an application by Arthur Wind Power Inc. pursuant to section 74 of the *Ontario Energy Board Act, 1998* to amend standard offer program electricity generation licence EG-2008-0133.

By delegation, before: Jennifer Lea

DECISION AND ORDER

Arthur Wind Power Inc. filed an application on February 22, 2010 with the Ontario Energy Board pursuant to section 74 of the *Ontario Energy Board Act, 1998* to amend its electricity generation licence EG-2008-0133. The Board assigned the application file number EB-2010-0044.

The requested amendment is to change the name of the licensee on the licence and to amend Schedule 1 of their electricity generation licence. The amendment is required in order to reflect the amalgamation of the licensee with another entity. The applicant has requested a change in the name from Arthur Wind Power Inc. to Arthur Wind Power GP Inc. on behalf of Arthur Wind Farm L.P.

The amendment to Schedule 1 is required for the licensee to operate the Arthur Wind Farm located in the Township of Wellington North. Currently, the applicant is listed as the owner of the facility only. The operator of the facility, Schneider Power Inc., filed an application in conjunction with this application to remove the reference to the Arthur Wind Farm from Schedule 1 of its electricity generation licence EG-2005-0275. The Board assigned that application file number EB-2010-0043.

I have proceeded to decide the application without a hearing pursuant to section 21(4)(b) of the Act since no other parties are adversely affected in a material way by the outcome of

the proceeding, and the applicant has consented to disposing of the application without a hearing.

I find that it is in the public interest to grant the requested licence amendment.

IT IS THEREFORE ORDERED THAT:

1. The name on Arthur Wind Power Inc.'s Electricity Generation Licence EG-2008-0133 is changed to Arthur Wind Power GP Inc. on behalf of Arthur Wind Farm L.P.
2. Schedule 1 of Arthur Wind Power GP Inc. on behalf of Arthur Wind Farm L.P.'s Electricity Generation Licence EG-2008-0133 is amended as set out in the revised Schedule 1. The amended licence is attached to this Order.

DATED at Toronto, April 9, 2010

ONTARIO ENERGY BOARD

Original signed by

Jennifer Lea
Counsel, Special Projects



Electricity Generation Licence

EG-2008-0133

Arthur Wind Power GP Inc. on behalf of Arthur Wind Farm L.P.

Valid Until

July 22, 2028

Original signed by

Jennifer Lea
Counsel, Special Projects
Ontario Energy Board
Date of Issuance: July 23, 2008
Date of Amendment: April 9, 2010

Ontario Energy Board
P.O. Box 2319
2300 Yonge Street
27th Floor
Toronto, ON M4P 1E4

Commission de l'énergie de l'Ontario
C.P. 2319
2300, rue Yonge
27e étage
Toronto ON M4P 1E4

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1 Definitions

In this Licence:

"**Act**" means the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, Schedule B;

"**Electricity Act**" means the *Electricity Act, 1998*, S.O. 1998, c. 15, Schedule A;

"**generation facility**" means a facility for generating electricity or providing ancillary services, other than ancillary services provided by a transmitter or distributor through the operation of a transmission or distribution system and includes any structures, equipment or other things used for that purpose;

"**Licensee**" means Arthur Wind Power GP Inc. on behalf of Arthur Wind Farm L.P.;

"**regulation**" means a regulation made under the Act or the Electricity Act;

2 Interpretation

- 2.1 In this Licence words and phrases shall have the meaning ascribed to them in the Act or the Electricity Act. Words or phrases importing the singular shall include the plural and vice versa. Headings are for convenience only and shall not affect the interpretation of this Licence. Any reference to a document or a provision of a document includes an amendment or supplement to, or a replacement of, that document or that provision of that document. In the computation of time under this Licence where there is a reference to a number of days between two events, they shall be counted by excluding the day on which the first event happens and including the day on which the second event happens. Where the time for doing an act expires on a holiday, the act may be done on the next day that is not a holiday.

3 Authorization

- 3.1 The Licensee is authorized, under Part V of the Act and subject to the terms and conditions set out in this licence, to generate electricity or provide ancillary services for sale under a contract entered into as part of a Standard Offer Program offered by the Ontario Power Authority. This Licence authorizes the Licensee only in respect of those facilities set out in Schedule 1.

4 Obligation to Comply with Legislation, Regulations and Market Rules

- 4.1 The Licensee shall comply with all applicable provisions of the Act and the Electricity Act, and regulations under these acts, except where the Licensee has been exempted from such compliance by regulation.
- 4.2 The Licensee shall comply with all applicable Market Rules.

5 Obligation to Maintain System Integrity

- 5.1 Where the IESO has identified, pursuant to the conditions of its licence and the Market Rules, that it is necessary for purposes of maintaining the reliability and security of the IESO-controlled grid, for the Licensee to provide energy or ancillary services, the IESO may require the Licensee to enter into an agreement for the supply of energy or such services.

- 5.2 Where an agreement is entered into in accordance with paragraph 5.1, it shall comply with the applicable provisions of the Market Rules or such other conditions as the Board may consider reasonable. The agreement shall be subject to approval by the Board prior to its implementation. Unresolved disputes relating to the terms of the Agreement, the interpretation of the Agreement, or amendment of the Agreement, may be determined by the Board.

6 Restrictions on Certain Business Activities

- 6.1 Neither the Licensee, nor an affiliate of the Licensee shall acquire an interest in a transmission or distribution system in Ontario, construct a transmission or distribution system in Ontario or purchase shares of a corporation that owns a transmission or distribution system in Ontario except in accordance with section 81 of the Act.

7 Provision of Information to the Board

- 7.1 The Licensee shall maintain records of and provide, in the manner and form determined by the Board, such information as the Board may require from time to time.
- 7.2 Without limiting the generality of paragraph 7.1 the Licensee shall notify the Board of any material change in circumstances that adversely affects or is likely to adversely affect the business, operations or assets of the Licensee, as soon as practicable, but in any event no more than twenty (20) days past the date upon which such change occurs.

8 Term of Licence

- 8.1 This Licence shall take effect on July 23, 2008 and expire on July 22, 2028. The term of this Licence may be extended by the Board.

9 Fees and Assessments

- 9.1 The Licensee shall pay all fees charged and amounts assessed by the Board.

10 Communication

- 10.1 The Licensee shall designate a person that will act as a primary contact with the Board on matters related to this Licence. The Licensee shall notify the Board promptly should the contact details change.
- 10.2 All official communication relating to this Licence shall be in writing.
- 10.3 All written communication is to be regarded as having been given by the sender and received by the addressee:
- a) when delivered in person to the addressee by hand, by registered mail or by courier;
 - b) ten (10) business days after the date of posting if the communication is sent by regular mail; or
 - c) when received by facsimile transmission by the addressee, according to the sender's transmission report.

11 Copies of the Licence

11.1 The Licensee shall:

- a) make a copy of this Licence available for inspection by members of the public at its head office and regional offices during normal business hours; and
- b) provide a copy of this Licence to any person who requests it. The Licensee may impose a fair and reasonable charge for the cost of providing copies.

SCHEDULE 1 LIST OF LICENSED GENERATION FACILITIES

The Licence authorizes the Licensee only in respect to the following:

1. The Arthur Wind Farm, owned and operated by the Licensee at Part of Lot 2, Concession 2, and Lot 3 Concession 2, Township of Wellington North, County of Wellington, Ontario.