



**EB-2013-0036**

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

**AND IN THE MATTER OF** a motion by Regional  
Power OPCO Inc., on behalf of Pic Moberg Hydro Inc.  
to amend the Ontario Energy Board's Decision in EB-  
2011-0420.

**BEFORE:** Ellen Fry  
Presiding Member

## **DECISION AND ORDER**

June 6, 2013

The Ontario Energy Board (the "Board") in its Decision in proceeding EB-2011-0420, dated May 10, 2012, approved an application by White River Hydro LP ("WRHLP") and Gitchi Animki Energy Limited Partnership ("GAELP") for leave to construct certain transmission facilities to connect two hydroelectric generating sites to the Independent Electricity System Operator-controlled grid. The Board's Decision provided that unless otherwise ordered by the Board, such authorization would terminate June 30, 2013 unless construction had commenced prior to that date.

In a letter dated December 18, 2012, Regional Power OPCO Inc. ("RPOI"), on behalf of Pic Moberg Hydro Inc., requested that the Board amend the Decision in EB-2011-0420 to grant leave to construct the transmission facilities to Pic Moberg Hydro Inc. ("PMHI"), rather than to WRHLP and GAELP.

In a letter dated February 15, 2013, RPOI requested that the Board also order that the authorization for leave to construct shall terminate on December 31, 2014, instead of June 30, 2013.

The Board combined the two requests in this proceeding.

The Board issued Notice of Proceeding and Written Hearing on March 14, 2013. No party requested intervenor status to participate in the proceeding.

The Board issued Procedural Order No. 1 on April 18, 2013. The Procedural Order sets out the dates for filing interrogatories, responses to interrogatories and submissions.

Board staff filed interrogatories and no party filed submissions. RPOI filed a response to the Board staff interrogatories.

With respect to the request to transfer the leave to construct approval to PMHI, RPOI states this is solely to reflect the change in ownership of the transmission facilities from GAELP and WRHLP to PMHI. RPOI states that that RPOI and Pic Mobert First Nation, the parent companies of GAELP and WRHLP respectively, together own 100% of PMHI. RPOI also states that existing customers would not be affected by the change.

RPOI states that further changes to corporate structure are not expected and that the current change to corporate structure will not impact the development of the facilities approved in EB-2011-0420. RPOI also confirmed that PMHI will be responsible for meeting the conditions of approval set out in the Board's Decision in EB-2011-0420.

With respect to the request to extend the deadline for commencing construction from June 30, 2013 to December 31, 2014, RPOI states that while it expects to begin pre-construction work by June 30, 2013, the construction of the transmission line will begin closer to the requested date.

RPOI states that the project has been delayed to July 2013 due to a delay in securing a general contractor. RPOI has provided an updated construction schedule. RPOI notes that construction of the transmission line is expected to commence in September 2014, but that it is requesting additional time, until December 31 2014, to allow for

unanticipated delays. RPOI states that the corporate reorganization did not contribute to the delay in commencement of construction.

Board staff has not filed submissions to question any of the above statements by RPOI.

Accordingly, the Board grants the requests made by RPOI.

**THE BOARD ORDERS THAT:**

1. The leave to construct approval granted to GAELP and WRHLP in EB-2011-0420 is transferred to PMHI. PMHI shall be responsible for meeting the Conditions of Approval set out in Appendix A of the Board's Decision and Order in EB-2011-0420.
2. Section 1.2 of the Conditions of Approval in EB-2011-0420 is amended to read as follows: "Unless otherwise ordered by Board, authorization for leave to construct shall terminate December 31, 2014, unless construction of the Project has commenced prior to that date."
3. Pursuant to section 30 of the Act, RPOI shall pay the Board's costs of and incidental to, this proceeding immediately upon receipt of the Board's invoice.

**DATED** at Toronto, June 6, 2013

**ONTARIO ENERGY BOARD**

*Original Signed By*

Kirsten Walli  
Board Secretary