



**EB-2013-0389**

**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 Aurora  
Smiths Falls 4 Limited Partnership for an electricity  
generation licence.

By delegation, before: Viive Sawler

## **INTERIM DECISION AND ORDER**

**January 24, 2014**

The Ontario Energy Board received an application for an electricity generation licence as a Feed-In Tariff Program participant from Aurora Smiths Falls 4 Limited Partnership on October 31, 2013. The applicant filed additional information on November 19, 2013.

The applicant stated that it has agreed to purchase the generation facility that is the subject of this licence application from RE Smiths Falls 4 ULC ("RE Smiths Falls 4"). RE Smiths Falls 4 currently holds electricity generation licence EG-2013-0092 for the facility. The transfer of assets comprising the generation facility is scheduled to take place on or around December 20, 2013. Due to lender funding requirements, the applicant stated that it requires an electricity generation licence prior to December 2, 2013.

Until the Board makes a final decision with respect to the application, the applicant has requested that an interim electricity generation licence be issued in order for the applicant to meet its lender funding requirements.

On November 26, 2013, the Board issued an interim electricity generation licence valid until January 31, 2014.

On January 14, 2014, the applicant filed a letter requesting that the term of the interim electricity generator licence be extended until March 31, 2014. The applicant stated that its request is due to uncertainty as to whether the closing date of the commercial transaction between the applicant and RE Smiths Falls 4 will occur prior to January 31, 2014.

In view of the time required to process an application in accordance with the Board's established practice and procedures and the applicant's need for a licence in order to satisfy specific conditions of its financing agreement with its lenders, I find that it is in the public interest to make an order extending the term of interim licence EG-2013-0389 until such time as the application is finally determined or March 31, 2014, whichever is earlier.

Schedule 1 of the licence, which ordinarily describes the generation facility for which the applicant is being licensed, will remain incomplete until the Board receives written confirmation from the applicant and RE Smiths Falls 4 that the commercial transaction has closed and the generation assets have been transferred to the applicant. At the same time, RE Smiths Falls 4 must provide a written request to the Board to cancel its licence. When the transaction closing confirmation and the licence cancellation request are received, the Board will amend the applicant's interim licence to include the generation facility in Schedule 1 and concurrently cancel RE Smiths Falls 4's licence EG-2013-0092.

The applicant is reminded that this interim decision does not constitute a final decision on the application.

**IT IS THEREFORE ORDERED THAT:**

1. The term of Aurora Smiths Falls 4 Limited Partnership's interim electricity generation licence as a Feed-in Tariff Program Participant is extended until the licence application is determined on a final basis or March 31, 2014, whichever is earlier.

2. Schedule 1 of the applicant's interim electricity generation licence will be completed when the Board receives written confirmation from the applicant and RE Smiths Falls 4 that the commercial transaction has closed and the generation assets have been transferred to the applicant; and concurrently, cancel RE Smiths Falls 4's licence EG-2013-0092 with respect to RE Smiths Falls 4's written request to cancel its licence.

**DATED** at Toronto, January 24, 2014

**ONTARIO ENERGY BOARD**

*Original Signed By*

Viive Sawler  
Manager, Licence Applications,  
Conservation & Reporting