



Ontario Energy Board Commission de l'énergie de l'Ontario

DECISION AND ORDER

EB-2016-0251

COMBER WIND LIMITED PARTNERSHIP

Application for leave to transfer electricity generation licence
EG-2010-0297 from Comber Wind Limited Partnership to 2016 Comber
Wind Limited Partnership

BY DELEGATION, BEFORE: **Peter Fraser**
Vice President,
Consumer Protection & Industry Performance

September 8, 2016

DECISION AND ORDER

On August 18, 2016, Comber Wind Limited Partnership (Comber Wind) applied for leave of the Ontario Energy Board (OEB) pursuant to section 18(2) of the *Ontario Energy Board Act, 1998* (OEB Act) to transfer a FIT electricity generation licence EG-2010-0297 from Comber Wind to 2016 Comber Wind Limited Partnership (2016 Comber Wind).

Comber Wind has been licensed by the OEB since 2010 to own and operate two wind generation facilities, Comber East C24Z and Comber West C23Z, located in the Town of Lakeshore, Essex County. As a result of the corporate reorganization, the applicant will be transferring the electricity generation assets along with the FIT procurement contracts to the newly created limited partnership, 2016 Comber Wind.

I have considered the application without holding a hearing pursuant to section 6(4) of the OEB Act.

I find that the application should be granted. The evidence in the application indicates that the transfer of the assets to 2016 Comber Wind will have no impact on the location or operation of the existing facilities. Once the reorganization is complete, 2016 Comber Wind will continue to operate the generation facilities with no disruption to the business.

However, I find that the granting of the application to transfer the licence should be conditioned. For generation licence applicants who will be operating under a FIT contract with the Independent Electricity System Operator (the IESO), proof of signing of a procurement contract with the IESO and a Notice to Proceed are part of the evidence that must be filed with the OEB. At present, Comber Wind holds the FIT contracts and related Notices to Proceed. When generation assets are transferred to unlicensed entities, the OEB generally requires the applicant to obtain confirmation from the IESO of the transfer of the contract to the new entity before the licence is granted or transferred. However, the applicant has informed the OEB that the IESO may require a confirmation of the OEB's leave to transfer the licence to 2016 Comber Wind in order for the FIT contracts assignment to take effect. To allow completion of the corporate reorganization in an orderly fashion, the applicant proposed that the OEB's approval of the transfer of the generation licence be made conditional on the IESO's assignment of the FIT procurement contracts to 2016 Comber Wind. I find this proposal has merit.

IT IS ORDERED THAT:

The application to transfer the electricity generation licence is granted, subject to the following condition respecting timing:

- Electricity generation licence EG-2010-0297 will be transferred to 2016 Comber Wind Limited Partnership once the OEB receives confirmation in writing that the IESO has assigned the FIT contracts presently held by Comber Wind Limited Partnership to 2016 Comber Wind Limited Partnership.

DATED at Toronto September 8, 2016

ONTARIO ENERGY BOARD

Original Signed By

Peter Fraser
Vice President, Consumer Protection & Industry Performance