

<i>Reply Attention of</i>	<i>Mike Richmond</i>
<i>Direct Line</i>	<i>416.865.7832</i>
<i>Internet Address</i>	<i>mike.richmond@mcmillan.ca</i>
<i>Our File No.</i>	<i>92532</i>
<i>Date</i>	<i>October 30, 2009</i>

E-MAIL

Board Secretary
Ontario Energy Board
P.O. Box 2319
2300 Yonge Street
Toronto, Ontario, Canada
M4P 1E4

Dear Ms. Walli:

**Re: EB-2009-0357 - Applicant Response to Letter of Comment from
Cecelia Baker dated October 23, 2009**

We are counsel to the Applicant in Board File No. EB-2009-0357, and are submitting this response to the Letter of Comment cited above on the Applicant's behalf, based upon information provided to us by the Applicant.

The Applicant in EB-2009-0357 is EDF EN Canada Solar Arnprior A LP, a limited partnership registered under the laws of Ontario whose general partner is EDF EN Canada Solar Arnprior A GP Inc. This is a separate and distinct legal entity from the Applicant in EB-2009-0358, EDF EN Canada Solar Arnprior B LP, a limited partnership registered under the laws of Ontario, whose general partner is EDF EN Canada Solar Arnprior B GP Inc.

Pursuant to Section 57(c) of the *Ontario Energy Board Act, 1998*, a generator's license from the Ontario Energy Board is required to generate electricity. No OEB license is required to construct a generation facility, prior to operation and the generation of electricity. The project is not yet in operation or generating electricity, and Application EB-2009-0357 is an application for the requisite license to operate. Operations will not commence until the appropriate OEB license has been issued.

All applicable requirements under environmental laws have been complied with. The *Environmental Assessment Act* does not require an environmental assessment for solar photovoltaic electricity generation projects. See O. Reg. 116/01 for further confirmation. If one or more Certificates of Approval for noise are required in order for the projects to operate, then the projects will not operate until such Certificates of Approval are issued by the Ministry of the Environment.

The project is exempt from the application of Section 47.3 of the *Environmental Protection Act* by virtue of Section 9(5) of O.Reg. 359/09 made under the *Environmental Protection Act* and

promulgated on September 24, 2009. As a result, no Renewable Energy Approval is required at law for this project.

The installed capacity of the project, according to the manufacturer's rating, is 9 MW (Alternating Current). The 24.3 MW cited in Ms. Baker's e-mail refers to the aggregate PV array capacity in Direct Current of the two projects. This project will transmit electricity to the grid in AC, not DC, and therefore the 9 MW figure is accurate.

The project is eligible to participate in the Ontario Power Authority's Renewable Energy Standard Offer Program. An application was submitted to the OPA under the program, was reviewed and assessed by the OPA, determined to be appropriate under the RESOP Rules, and a RESOP Contract was issued as a result. Only the OPA has the authority to determine whether a project complies with the RESOP Rules, and the OPA has done so.

Notice of Application EB-2009-0357 was posted in English and French on www.edf-en.ca, as directed by the OEB. Furthermore, a copy of the application and evidence has been available for public review at the applicant's office since October 15, 2009, as directed by the OEB. An affidavit proving that the Notice was posted on the web site was filed with the OEB on October 29, 2009. In addition, the Notice and the Application were published on the OEB web site, which is accessible to the public. As stated in the Notice, submissions must have been received by the OEB and the Applicant by 4:45 pm on October 28, 2009.

Yours truly,



Mike Richmond