



EB-2010-0151

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 Kruger
Energy Inc. for an electricity generation licence.

By delegation, before: Jennifer Lea

INTERIM DECISION AND ORDER

Kruger Energy Inc. filed an application on March 29, 2010 with the Ontario Energy Board under section 60 of the *Ontario Energy Board Act, 1998* (the "Act") for an electricity generation licence to be the operator of two facilities. The facilities are the Port Alma Wind Farm and the Kruger Energy Chatham Wind Project. The Board has assigned the application file number EB-2010-0151.

The applicant is currently engaged in electricity generation activities, operating the Port Alma Wind Farm located in Merlin, Ontario. As prescribed under section 57 of the Act all entities generating electricity are required to hold a licence. The Port Alma Wind Farm was previously operated by Kruger Energy Port Alma Limited Partnership ("KEPA") under the electricity generation licence EG-2008-0027. The applicant also asked the Board to remove the operator qualification from KEPA's licence.

On April 15, 2010 KEPA filed a request to have their Electricity Generation Licence, EB-2008-0027, amended to authorize KEPA as only the owner of the Port Alma Wind Farm as Kruger Energy Inc will be the operator of the Port Alma Wind Farm.

KEPA applied to be licensed to operate the planned wind generation facility known as the Kruger Energy Chatham Wind Project. The Board understands that this licence is necessary to facilitate the development of this renewable generation project. The Board

also understands that an application will be submitted shortly for a licence to own the Kruger Energy Chatham Wind Project.

While it is unusual for the an applicant to request a licence to be the operator of a facility while no party has filed an application to be the owner of the same facility I find in this case that it is appropriate to grant an interim licence

Considering the time required to process an application in accordance with the Board's established practice and procedures, and considering the applicant's activities, it has been found to be in the public interest to issue an interim order under sections 21(7) and 6(4) of the Act granting a short-term electricity generation licence to the applicant pending final disposition of the matter.

The applicant should note that no final decision on the application has been made and that the granting of this interim order is not an indication that a longer term licence will be granted.

IT IS THEREFORE ORDERED THAT:

1. An electricity generation licence to operate the Port Alma Wind Farm is granted on such conditions as are contained in the attached licence.
2. An electricity generation licence to operate the Kruger Energy Chatham Wind Project is granted on such conditions as are contained in the attached licence
3. The licence will be valid for a period of 3 months or until the Board makes a final decision on the electricity generation licence application, whichever is earlier.

DATED at Toronto, April 16, 2010

ONTARIO ENERGY BOARD

Original signed by

Jennifer Lea
Counsel, Special Projects