



EB-2007-0636

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
Toromont Energy Ltd. under section 74 of the *Ontario
Energy Board Act*, 1998 for a licence amendment.

By delegation, before: Jennifer Lea

DECISION AND ORDER

Toromont Energy Ltd. filed an application on May 17, 2007 with the Ontario Energy Board pursuant to section 74 of the *Ontario Energy Board Act*, 1998 to amend its electricity generation licence (EG-2003-0163).

Requested Licence Amendments

The applicant has requested that two facilities be deleted from Schedule 1 of its licence. These facilities are:

- the Hillman Flare Gas Power Plant, which has been decommissioned; and
- the Sonoco Trenton Natural Gas Cogeneration Plant, which has been sold.

The applicant has also requested that seven facilities be added to Schedule 1 of its licence. These facilities are:

- the Toromont Cat Concord Campus Peak Shaving Power Plant, as the owner and operator;
- the Eastview Landfill Gas Energy Plant, as the operator;
- the Woodward Digester Gas Power Plant, as the operator;
- the Sudbury Landfill Gas Energy Plant, as the operator;

- the Glanbrook Landfill Gas Energy Plant, as the operator;
- the SDE District Energy Plant, as the owner and operator; and
- the SDE Sudbury Regional Hospital Cogeneration Plant, as the owner and operator.

LICENCE AMENDMENTS

Pursuant to subsection 6(1) of the Act, I have been delegated the powers and duties of the Board with respect to the determination of applications made under section 74 of the Act. This order is made under the authority of that delegation and is based on the evidence filed in support of the application.

For seven of the nine licence amendment requests, I have proceeded without a hearing pursuant to section 21(4)(b) of the Act since no other parties are adversely affected in a material way by the outcome of this part of the proceeding and the applicant has consented to disposing of the proceeding without a hearing.

For the other two requested licence amendments, namely, to add the Eastview Landfill Gas Energy Plant and the Woodward Digester Gas Power Plant to Schedule 1 of the applicant's licence as the operator of those facilities, the Board issued a Notice of Application on June 22, 2007. The Board issued a notice of application for these two facilities because the Eastview Landfill Gas Energy Plant already had a licensed owner and operator (Ecotricity Guelph Inc.) under licence EG-2004-0438 and the Woodward Digester Gas Power Plant already had a licensed owner and operator (Hamilton Renewable Power Inc.) under licence EG-2006-0059.

The applicant served the notice of application to Ecotricity Guelph Inc. and Hamilton Renewable Power Inc. on June 25, 2007. Neither of the parties responded.

It has not been the Board's practice to have two licensed operators for a generation facility. As the Board has not received written licence amendment applications regarding the removal of the operator qualification from Ecotricity Guelph Inc.'s licence and Hamilton Renewable Power Inc.'s licence, the Board will not proceed with the applicant's request to be the licensed operator for the Eastview Landfill Gas Energy Plant and the Woodward Digester Gas Power Plant.

All other requested licence amendments are granted. Therefore, Schedule 1 of the applicant's licence will be amended:

- to remove the Hillman Flare Gas Power Plant and the Sonoco Trenton Natural Gas Cogeneration Plant;
- to add the Toromont Cat Concord Campus Peak Shaving Power Plant, the SDE District Energy Plant, and the SDE Sudbury Regional Hospital Cogeneration Plant, as the owner and operator; and
- to add the Sudbury Landfill Gas Energy Plant and the Glanbrook Landfill Gas Energy Plant, as the operator.

The applicant's licence also includes three facilities in Schedule 1 that were only licensed until June 30, 2004. Since the licensing period for these facilities has expired, they will also be removed from Schedule 1 of the applicant's licence. Therefore, Schedule 1 of the applicant's licence will be amended to remove the following three facilities:

- Markham Hydro TS #1;
- Beare Road Landfill Site; and
- Toromont Cat Plant.

IT IS THEREFORE ORDERED THAT:

1. Schedule 1 of Toromont Energy Ltd.'s Electricity Generation Licence EG-2003-0163 is amended to reflect:
 - (a) the deletion of the Hillman Flare Gas Power Plant, the Sonoco Trenton Natural Gas Cogeneration Plant, the Markham Hydro TS #1, the Beare Road Landfill Site, and the Toromont Cat Plant;
 - (b) the addition of the Toromont Cat Concord Campus Peak Shaving Power Plant, the SDE District Energy Plant, and the SDE Sudbury Regional Hospital Cogeneration Plant, as the owner and operator; and
 - (c) the addition of the Sudbury Landfill Gas Energy Plant and the Glanbrook Landfill Gas Energy Plant, as the operator.

The amended licence is attached to this decision and order.

DATED at Toronto, November 14, 2007

ONTARIO ENERGY BOARD

Original signed by

Jennifer Lea
Special Advisor, Market Operations