



**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



# Electricity Generation Licence

## EG-2003-0163

### Toromont Energy Ltd.

Valid Until

October 19, 2023

*Original signed by*

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**Jennifer Lea**  
**Special Advisor, Market Operations**  
**Ontario Energy Board**  
**Date of Issuance: October 20, 2003**  
**Date of Amendment: November 14, 2007**

Ontario Energy Board  
P.O. Box 2319  
2300 Yonge Street  
27th. Floor  
Toronto, ON M4P 1E4

Commission de l'énergie de l'Ontario  
C.P. 2319  
2300, rue Yonge  
27e étage  
Toronto ON M4P 1E4

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## 1 Definitions

In this Licence:

"**Act**" means the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, Schedule B;

"**Electricity Act**" means the *Electricity Act, 1998*, S.O. 1998, c. 15, Schedule A;

"**generation facility**" means a facility for generating electricity or providing ancillary services, other than ancillary services provided by a transmitter or distributor through the operation of a transmission or distribution system and includes any structures, equipment or other things used for that purpose;

"**Licensee**" means Toromont Energy Ltd.;

"**regulation**" means a regulation made under the Act or the Electricity Act;

## 2 Interpretation

- 2.1 In this Licence words and phrases shall have the meaning ascribed to them in the Act or the Electricity Act. Words or phrases importing the singular shall include the plural and vice versa. Headings are for convenience only and shall not affect the interpretation of this Licence. Any reference to a document or a provision of a document includes an amendment or supplement to, or a replacement of, that document or that provision of that document. In the computation of time under this Licence where there is a reference to a number of days between two events, they shall be counted by excluding the day on which the first event happens and including the day on which the second event happens. Where the time for doing an act expires on a holiday, the act may be done on the next day that is not a holiday.

## 3 Authorization

- 3.1 The Licensee is authorized, under Part V of the Act and subject to the terms and conditions set out in this licence:
- a) to generate electricity or provide ancillary services for sale through the IESO-administered markets or directly to another person subject to the conditions set out in this Licence. This Licence authorizes the Licensee only in respect of those facilities set out in Schedule 1;
  - b) to purchase electricity or ancillary services in the IESO-administered markets or directly from a generator subject to the conditions set out in this Licence; and
  - c) to sell electricity or ancillary services through the IESO-administered markets or directly to another person, other than a consumer, subject to the conditions set out in this Licence.

**4      Obligation to Comply with Legislation, Regulations and Market Rules**

- 4.1      The Licensee shall comply with all applicable provisions of the Act and the Electricity Act, and regulations under these acts, except where the Licensee has been exempted from such compliance by regulation.
- 4.2      The Licensee shall comply with all applicable Market Rules.

**5      Obligation to Maintain System Integrity**

- 5.1      Where the IESO has identified, pursuant to the conditions of its licence and the Market Rules, that it is necessary for purposes of maintaining the reliability and security of the IESO-controlled grid, for the Licensee to provide energy or ancillary services, the IESO may require the Licensee to enter into an agreement for the supply of energy or such services.
- 5.2      Where an agreement is entered into in accordance with paragraph 5.1, it shall comply with the applicable provisions of the Market Rules or such other conditions as the Board may consider reasonable. The agreement shall be subject to approval by the Board prior to its implementation. Unresolved disputes relating to the terms of the Agreement, the interpretation of the Agreement, or amendment of the Agreement, may be determined by the Board.

**6      Restrictions on Certain Business Activities**

- 6.1      Neither the Licensee, nor an affiliate of the Licensee shall acquire an interest in a transmission or distribution system in Ontario, construct a transmission or distribution system in Ontario or purchase shares of a corporation that owns a transmission or distribution system in Ontario except in accordance with section 81 of the Act.

**7      Provision of Information to the Board**

- 7.1      The Licensee shall maintain records of and provide, in the manner and form determined by the Board, such information as the Board may require from time to time.
- 7.2      Without limiting the generality of paragraph 7.1 the Licensee shall notify the Board of any material change in circumstances that adversely affects or is likely to adversely affect the business, operations or assets of the Licensee, as soon as practicable, but in any event no more than twenty (20) days past the date upon which such change occurs.

**8      Term of Licence**

- 8.1      This Licence shall take effect on October 20, 2003 and expire on October 19, 2023. The term of this Licence may be extended by the Board.

**9      Fees and Assessments**

- 9.1      The Licensee shall pay all fees charged and amounts assessed by the Board.

**10 Communication**

10.1 The Licensee shall designate a person that will act as a primary contact with the Board on matters related to this Licence. The Licensee shall notify the Board promptly should the contact details change.

10.2 All official communication relating to this Licence shall be in writing.

10.3 All written communication is to be regarded as having been given by the sender and received by the addressee:

- a) when delivered in person to the addressee by hand, by registered mail or by courier;
- b) ten (10) business days after the date of posting if the communication is sent by regular mail; or
- c) when received by facsimile transmission by the addressee, according to the sender's transmission report.

**11 Copies of the Licence**

11.1 The Licensee shall:

- a) make a copy of this Licence available for inspection by members of the public at its head office and regional offices during normal business hours; and
- b) provide a copy of this Licence to any person who requests it. The Licensee may impose a fair and reasonable charge for the cost of providing copies.

## **SCHEDULE 1 LIST OF LICENSED GENERATION FACILITIES**

The Licence authorizes the Licensee only in respect to the following:

1. Waterloo Landfill Gas Power Plant, owned and operated by the Licensee at 1001 Erb Street West, Waterloo, Ontario.
2. Toromont Cat Concord Campus Peak Shaving Power Plant, owned and operated by the Licensee at 3131 Highway 7 West, Concord, Ontario.
3. Sudbury Landfill Gas Energy Plant\*, operated by the Licensee at 2870 Kingsway Blvd., Sudbury, Ontario.
4. Glanbrook Landfill Gas Energy Plant\*\*, operated by the Licensee at 1500 Haldibrook, Glanbrook, Ontario.
5. SDE District Energy Plant, owned and operated by the Licensee at 36 Energy Court, Sudbury, Ontario.
6. SDE Sudbury Regional Hospital Cogeneration Plant, owned and operated by the Licensee at 41 Ramsey Lake Road, Sudbury, Ontario.

\* Standard Offer Program contract executed

\*\* Potential application for Standard Offer Program