



EB-2010-0166

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 EDF EN
Canada Solar Elmsley East LP for an electricity
generation licence.

By delegation, before: Jennifer Lea

DECISION AND ORDER

EDF EN Canada Solar Elmsley East LP filed an application dated April 15, 2010 with the Ontario Energy Board under section 60 of the *Ontario Energy Board Act, 1998* for an electricity generation licence as a Standard Offer Program ("SOP") participant.

The Board's Notice of Application and Written Hearing for an electricity generation licence was published on April 23, 2010. One member of the public, Ms. Cecelia Baker, responded to the Notice of Application and Written Hearing by an e-mail dated May 31, 2010. The writer expressed concerns that at the time the SOP contract was executed, the applicant was not compliant with environmental requirements by not having the environmental and renewable energy approvals and also was not compliant with the Renewable Energy Standard Offer Program ("RESOP") rules. The Ontario Power Authority ("OPA") and the applicant responded to the letter on June 15, 2010 and July 1, 2010 respectively.

The concerns raised in the letter regarding environmental approvals and the RESOP eligibility criteria are not within the scope of the matters considered by the Board in considering an application for a generation licence. The Board relies on the OPA to determine which applicants qualify under the RESOP program, and it is not within the Board's jurisdiction in considering a licence application to supervise compliance with environmental regulations. Nevertheless, I have reviewed the concerns raised in Ms.

Baker's letter. All of these concerns, including compliance with environmental regulations and the RESOP program rules, were addressed by the OPA and the applicant in their responses to Ms. Baker.

The Board's main criteria in relation to the licensing of new generators qualifying under the Standard Offer Program are the status of the OPA contract and the status of the connection process with the local distributor. The information provided by the applicant on these two matters is satisfactory. The applicant has a Standard Offer Program contract with the OPA for the generation facility and it has completed the connection impact assessment with Hydro One, the local distributor.

After considering the application, it has been found to be in the public interest to issue the electricity generation licence under Part V of the Act.

IT IS THEREFORE ORDERED THAT:

The application for an electricity generation licence is granted, on such conditions as are contained in the attached licence. It is also a condition of this order that the applicant comply with the terms of the connection agreement for a small embedded generation facility or a mid-sized embedded generation facility as set out in Appendix E to the Distribution System Code.

DATED at Toronto, July 14, 2010.

ONTARIO ENERGY BOARD

Original signed by

Jennifer Lea
Counsel, Special Projects



Electricity Generation Licence

EG-2010-0166

EDF EN Canada Solar Elmsley East Limited Partnership

Valid Until

July 13, 2030

Original signed by

Jennifer Lea
Counsel, Special Projects
Ontario Energy Board
Date of Issuance: July 14, 2010

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Table of Contents

Page No.

| | | |
|----|---|---|
| 1 | Definitions | 1 |
| 2 | Interpretation | 1 |
| 3 | Authorization | 1 |
| 4 | Obligation to Comply with Legislation, Regulations and Market Rules | 1 |
| 5 | Obligation to Maintain System Integrity | 1 |
| 6 | Restrictions on Certain Business Activities..... | 2 |
| 7 | Provision of Information to the Board..... | 2 |
| 8 | Term of Licence | 2 |
| 9 | Fees and Assessments..... | 2 |
| 10 | Communication | 2 |
| 11 | Copies of the Licence | 3 |
| | SCHEDULE 1 List of Licenced Generation Facilities..... | 4 |

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 EDF EN Canada Solar Elmsley East Limited Partnership;

“**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, to generate electricity or provide an ancillary service for sale under a contract with the Ontario Power Authority and the contract is entered into as part of a standard offer program offered by the Ontario Power Authority. This Licence authorizes the Licensee only in respect of those facilities set out in Schedule 1.

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 July 14, 2010 and expire on July 13, 2030. 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. Elmsley East, Part of Lot 13, Concession 3, owned and operated by the Licensee at Geographic Township of South Elmsley, Township of Rideau Lakes, County of Leeds, Ontario.