



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