



EB-2010-0330

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 Gemini –
SRF Power Corporation for an electricity generation
licence.

By delegation, before: Jennifer Lea

DECISION AND ORDER

Gemini – SRF Power Corporation (“Gemini”) filed an application dated December 2, 2010 with the Ontario Energy Board under section 60 of the *Ontario Energy Board Act, 1998* for an electricity generation licence.

The Board’s Notice of Application and Written Hearing for an electricity generation licence was posted on December 14, 2010. No parties responded to the Notice of Application and Written Hearing.

Gemini and Tembec Industries Inc. and Tembec Pulp Group S.R.F. Division (“Tembec”) entered into an asset purchase agreement dated September 1, 2010. Tembec and Gemini expect to complete the transaction in 2011. The closing will not be finalized until both parties have secured all required third party consents and authorizations, including the issuance of an electricity generation licence for Gemini.

Tembec currently holds electricity generation licence EG-2003-0181 for the subject generation facility. On the closing date of this commercial transaction, Tembec will be transferring all of its right, title, and interest in the generation facility to Gemini. At that time, Tembec will also be providing the Board with a written request to cancel its electricity generation licence.

After considering the application, I find it to be in the public interest to issue the electricity generation licence under Part V of the Act. However, Schedule 1 of the licence, which ordinarily describes the generation facility for which the applicant is being licensed, will remain incomplete until the Board receives written confirmation from Gemini and Tembec that the commercial transaction has closed and the generation assets have been transferred to Gemini. Upon such notification, the Board will consider an amendment to Gemini's licence to include the generation assets in Schedule 1 of the licence and, at the same time, the Board will consider the expected request to cancel Tembec's licence.

IT IS THEREFORE ORDERED THAT:

1. The application for an electricity generation licence is granted, on such conditions as are contained in the attached licence.
2. Schedule 1 of Gemini's electricity generation licence will remain incomplete until the Board receives written confirmation from Gemini and Tembec that the commercial transaction has closed and the generation assets have been transferred to Gemini.

DATED at Toronto, January 27, 2011

ONTARIO ENERGY BOARD

Original signed by

Jennifer Lea
Counsel, Special Projects