



EB-2010-0360

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 First Solar Development (Canada) Inc. pursuant to section 74 of the *Ontario Energy Board Act, 1998* to amend standard offer program electricity generation licence EG-2006-0336.

By delegation, before: Jennifer Lea

DECISION AND ORDER

First Solar Development (Canada) Inc. ("First Solar") filed an application on November 26, 2010 with the Ontario Energy Board pursuant to section 74 of the *Ontario Energy Board Act, 1998* to amend its electricity generation licence EG-2006-0336. The Board assigned the application file number EB-2010-0360.

The requested amendment is to remove the generation facility Tilbury Solar 2 located in Tilbury, Ontario from Schedule 1 of the licence. Tilbury Solar Project LP has purchased the generation facility. Tilbury Solar Project LP has applied for a generation licence, and this decision will be issued contemporaneously with the decision granting that licence.

I have proceeded to decide the application 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 the proceeding, and the applicant has consented to disposing of the application without a hearing.

I find that it is in the public interest to grant the requested licence amendment.

IT IS THEREFORE ORDERED THAT:

1. Schedule 1 of First Solar Development (Canada), Inc.'s Electricity Generation Licence EG-2006-0336 is amended to remove the Tilbury Solar 2 generation facility from Schedule 1. The amended licence is attached to this Order.

DATED at Toronto, February 9, 2011

ONTARIO ENERGY BOARD

Original signed by

Jennifer Lea
Counsel, Special Projects



Electricity Generation Licence

EG-2006-0336

First Solar Development (Canada), Inc.

Valid Until

March 11, 2027

Original signed by

Jennifer Lea
Counsel, Special Projects
Ontario Energy Board
Date of Issuance: March 12, 2007
Date of Amendment: January 4, 2010
Date of Amendment: April 14, 2010
Date of Amendment: February 9, 2011

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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 First Solar Development (Canada), Inc.;

"**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 ancillary services for sale under a contract 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 March 12, 2007 and expire on March 11, 2027. 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 to own and operate only in respect to the following:

1. Sarnia Solar 7 (Formerly Bluewater Solar 1), owned and operated by the Licensee at Parts of Lot 13, Concession 4 and Part of Lot 13, Concession 3, Geographic Township of Sarnia, now in the City of Sarnia, Ontario.
2. Sarnia Solar 8 (formerly Bluewater Solar 2), owned and operated by the Licensee at Part of Lot 11 and 12, Concession 4, Geographic Township of Sarnia, now in the City of Sarnia, Ontario.
3. Amherstburg Solar 1, owned and operated by the Licensee at Part of the North half of Lot 7, Concession 2, and part of the South half of Lot 7, Concession 2, Township of Anderton, Ontario.
4. St. Clair Solar 1, owned and operated by the Licensee at Part of Lot 25, Concession 9, and part of Lot 26, Concession 9, Township of Moore, Ontario.
5. St. Clair Solar 2, owned and operated by the Licensee at Part of Lot 25, Concession 9, and part of Lot 26, Concession 9, Township of Moore, Ontario.
6. St. Clair Solar 3, owned and operated by the Licensee at North half of Lot 1, Concession 10, North half of Lot 1, Concession 11, West half of North half, Township of Sombra, Ontario.
7. St. Clair Solar 4, owned and operated by the Licensee at North half of Lot 1, Concession 10, North half of Lot 1, Concession 11, West half of North half, Township of Sombra, Ontario.
8. Belmont Solar 1, owned and operated by the Licensee at Part of the South half of Lot 3, Concession 6, Central Elgin, Elgin County, Ontario.
9. Belmont Solar 2, owned and operated by the Licensee at Part of the South half of Lot 3, Concession 6, Central Elgin, Elgin County, Ontario.
10. Walpole Solar 1, owned and operated by the Licensee at Lots 2 and 3, Concession 12, Hagersville/Nanticoke, Haldimand County, Ontario.
11. Walpole Solar 2, owned and operated by the Licensee at Lots 2 and 3, Concession 12, Hagersville/Nanticoke, Haldimand County, Ontario.