



**EB-2011-0030**

**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 ABW  
Solar General Partnership for an electricity generation  
licence.

By delegation, before: Jennifer Lea

### **DECISION AND ORDER**

ABW Solar General Partnership (the "Partnership") filed an application dated January 28, 2011 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 participant.

The Board's Notice of Application and Written Hearing for an electricity generation licence was posted on February 24, 2011. No parties responded to the Notice of Application and Written Hearing.

The Partnership entered into a project development agreement and an operating and maintenance agreement with First Solar on January 4, 2011. Based on the terms of the project development agreement, First Solar will develop and construct each of the projects and upon achieving substantial completion, title to the facilities and assets will be transferred to the Partnership. First Solar will operate and maintain the subject generation facilities on behalf of the Partnership.

First Solar currently holds electricity generation licence EG-2006-0336 for the generation facilities identified in this application. On the closing date of this commercial transaction, First Solar will be transferring all of its rights, title, and interest in the generation facilities with respect to this application to the Partnership. At the same time,

First Solar will apply for a licence amendment to remove ownership authority for the applicable generation facilities from 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 to the Partnership in order to facilitate the conclusion of the transaction with First Solar. 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 the Partnership and First Solar that the commercial transaction has closed and the generation assets have been transferred to the Partnership. At that same time, First Solar must apply to the Board to remove from generation licence EG-2006-0336 ownership authority for these generation facilities. When the confirmation and application from First Solar are received, the Board will amend the Partnership's licence to include the generation assets in Schedule 1 of the licence, and concurrently process the application for amendment to First Solar'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. 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.
2. Schedule 1 of the Partnership's electricity generation licence will be completed when the Board receives written confirmation from the Partnership and First Solar that the commercial transaction has closed and the generation facilities have been transferred to the Partnership.

**DATED** at Toronto, May 11, 2011

ONTARIO ENERGY BOARD

*Original signed by*

Jennifer Lea  
Counsel, Special Projects