



EB-2011-0074

IN THE MATTER OF the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, Schedule B;

AND IN THE MATTER OF an application pursuant to section 74 of the *Ontario Energy Board Act, 1998* by MPT Hydro LP to amend electricity generation licence EG-2001-0772.

By delegation, before: Theodore Antonopoulos

DECISION AND ORDER

MPT Hydro LP, through its general partner CPOT Title Corp., filed an application on March 9, 2011 with the Ontario Energy Board pursuant to section 74 of the *Ontario Energy Board Act, 1998* (the "Act"), to amend the name appearing on electricity generation licence EG-2001-0772 from Clean Power Operating Trust ("CPOT") to MPT Hydro LP.

On April 15 and 18, 2011, the applicant filed additional information to complete the application.

On June 3, 2011, the applicant confirmed its request that electricity generation licence EG-2011-0772 be amended such that the licensee is identified as CPOT Title Corp. on behalf of MPT Hydro LP.

The licence amendment is granted.

Reasons

The applicant requested that the Board dispose of this matter without a hearing under section 21(4)(b) of the Act. I find, based on the evidence filed in the application, that no other parties will be adversely affected in a material way by the outcome of this proceeding. I have therefore disposed of this matter without a hearing.

As the result of changes to federal legislation governing income trusts, the applicant and its affiliated companies have undergone a recent reorganization. CPOT wound up and transferred all its electricity generation assets and obligations listed under the electricity licence EG-2001-0772 (the “generation facilities”) to its wholly owned subsidiary, Macquarie Power Corp. (“MPC”). MPC then transferred the generation facilities to MPT Hydro LP, in which MPC is the sole limited partner and CPOT Title Corp., a wholly-owned subsidiary of MPC, is the sole general partner.

MPC changed its name to Capstone Power Corp. (“CPC”) on April 15, 2011. The applicant filed a copy of the certificate of change of name as evidence with respect to this name change.

The applicant is owned by CPC (the limited partner) at 99.999% and CPOT Title Corp. (the general partner) at 0.001%. CPC owns 100% of CPOT Title Corp.

The applicant advises that the day-to-day business relating to the generation facilities has not been affected by the internal reorganization and that, other than the management change involving three key individuals, all other information remains the same. I note that the new management team has experience in the energy industry.

I find that the requested amendment is in the public interest.

IT IS ORDERED THAT:

Electricity generation licence EG-2001-0772 is amended as requested. The amended licence is attached to this Decision and Order.

DATED at Toronto, July 13, 2011

ONTARIO ENERGY BOARD

Original signed by

Theodore Antonopoulos
Manager, Electricity Rates