



EB-2011-0346

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 Plateau Wind Inc. for a Feed-in-Tariff electricity generation licence.

By delegation, before: Jennifer Lea

DECISION AND ORDER

Plateau Wind Inc. filed an application on September 16, 2011 with the Ontario Energy Board under section 60 of the *Ontario Energy Board Act*, 1998 (the "Act") for a Feed-in-Tariff electricity generation licence. The Board assigned the application file number EB-2011-0346.

The Board's Notice of Application and Written Hearing for an electricity generation licence was posted on September 30, 2011. Two parties filed submissions in response to the Notice of Application and Written Hearing. The applicant responded to the parties on October 19, 2011. In general, the applicant responded satisfactorily to the issues raised in the submissions; however two issues raised in those submissions require comment in this decision.

The applicant has recognized, in response to the submissions, that the description given in the application of the boundaries for the Plateau I & II Wind Farm was not correct. The description of the facilities in Schedule 1 of the licence should use the corrected description found in the applicant's reply submission.

Secondly, one of the submissions argued that Plateau Wind Inc. must give notice under sections 80 and 81 of the Act, as Plateau Wind Inc. should be considered as a distributor acquiring a generation facility, and as a generator acquiring a distribution

system. I find that the applicant is exempt from the requirement to give notice under these sections. Section 4.0.1(d) of Ontario Regulation 161/99 under the Act, as cited by the applicant in its reply submission, provides an exemption from section 80 for certain types of distributors, of which Plateau Wind Inc. is one. Section 1(4) of Ontario Regulation 160/99 under the *Electricity Act, 1998* classifies distribution lines under 50km in length and associated with or ancillary to a generation facility to be part of that generation facility. As a result, the applicant generator is not acquiring an interest in a distribution system.

After considering the application and evidence in the proceeding, 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.

DATED at Toronto, December 6, 2011

ONTARIO ENERGY BOARD

Original signed by

Jennifer Lea
Counsel, Special Projects