



EB-2011-0284

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 Cruickshank Wind Farm Ltd. and Enbridge Renewable Energy Infrastructure LP to amend Schedule 1 of electricity generation licences EG-2007-0687 and EG-2006-0009.

By delegation, before: Jennifer Lea

DECISION AND ORDER

Cruickshank Wind Farm Ltd. (“Cruickshank”) and Enbridge Renewable Energy Infrastructure L.P. (“Enbridge”) filed a joint application on October 3, 2011 with the Ontario Energy Board pursuant to section 74 of the *Ontario Energy Board Act, 1998*, to amend electricity generation licences EG-2007-0687 and EG-2006-0009, and to cancel licence EG-2007-0687 after completion of the amendments.

Cruickshank and Enbridge requested that Schedule 1 of the two licences be amended as follows:

1. removal of Cruickshank Wind Farm Ltd. from licence EG-2007-0687; and
2. addition of Cruickshank Wind Farm Ltd. to licence EG-2006-0009.

The applicants also requested that licence EG-2007-0687 be cancelled following completion of the amendments, as Cruickshank will no longer own or operate any generation assets.

On October 3, 2011, the applicants filed additional information to complete the application.

The licence amendments are granted.

Reasons

Cruickshank and Enbridge are subsidiaries indirectly owned by Enbridge Inc.

The applicants stated that as a result of an inter-corporate reorganization, Cruickshank transferred all its generation assets to Enbridge in order to consolidate green energy assets under Enbridge. Other than the asset transfer and identification of three new key individuals, there are no other changes. All other information regarding the licensee Enbridge remains the same.

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 applicants have consented to disposing of the application without a hearing.

IT IS ORDERED THAT:

1. Schedule 1 of electricity generation licence EG-2006-0009 is amended to add the generation facility Cruickshank Wind Farm Ltd. The amended licence is attached to this Order.
2. Electricity generation licence 2007-0687 is cancelled as requested.

DATED at Toronto, **December 15, 2011**

ONTARIO ENERGY BOARD

Original Signed By

Jennifer Lea
Counsel, Special Projects



Electricity Generation Licence

EG-2006-0009

Enbridge Renewable Energy Infrastructure LP

Valid Until

April 5, 2026

Original Signed By

Jennifer Lea
Counsel, Special Projects
Ontario Energy Board
Date of Issuance: April 6, 2006
Date of Amendment: December 9, 2009
Date of Amendment: May 31, 2011
Date of Amendment: December 15, 2011

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	Table of Contents	Page No.
1	Definitions	1
2	Interpretation	1
3	Authorization	1
4	Obligation to Comply with Legislation, Regulations and Market Rules	2
5	Obligation to Maintain System Integrity	2
6	Restrictions on Certain Business Activities.....	2
7	Provision of Information to the Board.....	2
8	Term of Licence	2
9	Fees and Assessments.....	2
10	Communication	3
11	Copies of the Licence	3
	SCHEDULE 1 LIST OF LICENSED GENERATION FACILITIES.....	4

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 Enbridge Renewable Energy Infrastructure LP;

“**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:
- a) to generate electricity or provide ancillary services for sale through the IESO-administered markets or directly to another person subject to the conditions set out in this Licence. This Licence authorizes the Licensee only in respect of those facilities set out in Schedule 1;
 - b) to purchase electricity or ancillary services in the IESO-administered markets or directly from a generator subject to the conditions set out in this Licence; and
 - c) to sell electricity or ancillary services through the IESO-administered markets or directly to another person, other than a consumer, subject to the conditions set out in this Licence.

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 April 6, 2006 and expire on April 5, 2026. 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 only in respect to the following:

1. Enbridge Ontario Wind Power Project (199.65 MW), Substation, owned and operated by the Licensee at Concession 7, NW corner of Lot 9, Kincardine, Ontario.
2. Sarnia Solar 2 (10 MW), generation facility, owned and operated by the Licensee at Concession 3, Pt Lots 14 and 15, Sarnia, Ontario.
3. Sarnia Solar 5 (10 MW), generation facility, owned and operated by the Licensee at Concession 3, Pt Lots 14 and 15, Sarnia, Ontario.
4. Sarnia Solar 1 (10 MW), generation facility, owned and operated by the Licensee at Concession 3, Pt Lot 13, City of Sarnia, Ontario;
5. Sarnia Solar 3 (10 MW), generation facility, owned and operated by the Licensee at Concession 4, Pt Lot 14, City of Sarnia, Ontario;
6. Sarnia Solar 4 (10 MW), generation facility, owned and operated by the Licensee at Concession 4, Pt Lot 13, City of Sarnia, Ontario;
7. Sarnia Solar 6 (10 MW), generation facility, owned and operated by the Licensee at Concession 4, Pt Lot 14, City of Sarnia, Ontario;
8. Sarnia Solar 7 (10 MW), generation facility, owned and operated by the Licensee at Concession 4, Pt Lot 13 and Concession 3, Pt Lot 13, City of Sarnia, Ontario;
9. Sarnia Solar 8 (10 MW), generation facility, owned and operated by the Licensee at Concession 4, Pt Lot 11 and 12, City of Sarnia, Ontario.
10. Cruickshank Wind Farm Ltd. (9.9 MW), owned and operated by the Licensee at RR#5, 50 Craig Drive, Kincardine, Ontario.