



**EB-2011-0384**

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

**AND IN THE MATTER OF** an application under  
section 74 of the *Ontario Energy Board Act*, 1998,  
S.O. 1998, c. 15, Schedule B to amend electricity  
transmission licence ET-2010-0403.

**By delegation, before: Jennifer Lea**

### **DECISION AND ORDER**

On June 30, 2011, the Ontario Energy Board granted a five year electricity transmission licence (ET-20110-0403) to Iccon Transmission Inc. ("Iccon") for the purpose of enabling it to participate in future transmitter designation processes held by the Board.

On November 16, 2011, Iccon made an application to the Board, under section 74 of the *Ontario Energy Board Act*, 1998, for an order of the Board to amend its electricity transmission licence by changing the effective date of its licence from June 30, 2011 to the earlier of the date upon which Iccon is designated as a developer of transmission assets in Ontario pursuant to a Board designation process and the date upon which Iccon applies to amend Schedule 1 of its licence to specify the facilities to be owned and/or operated by Iccon.

The applicant made its request to amend the effective date of its licence following a decision of the Board issued on November 2, 2011: EB-2011-0260. In the EB-2011-0260 decision the Board amended TransCanada Power Transmission (Ontario) L.P.'s transmission licence by changing the effective date of the licence to the date upon which the licensee is designated as a developer of transmission assets in Ontario pursuant to the Board's designation process or the date upon which the licensee applies to amend schedule 1 of the licence to specify the facilities to be owned and/or operated by it,

whichever is earlier. In making its decision the Board considered that other entrant transmitters, either licensed or whose electricity transmission licence applications are currently before the Board, may choose to seek similar relief, stating:

“A new entrant transmitter who has already been licensed, or whose application is before the Board, may choose to seek the same relief granted in this Decision and Order by way of application (or amendment to its application), referencing its licence or application number and this Decision and Order.”<sup>1</sup>

Consistent with that decision, I find that it is in the public interest to amend Iccon’s licence by changing the effective date of the licence to the earlier of:

- the date upon which Iccon is designated as a developer of transmission assets in Ontario pursuant to a Board designation process; or
- the date upon which Iccon applies to amend schedule 1 of its licence to specify the facilities to be owned and/or operated by Iccon.

In its EB-2011-0260 decision the Board also stated that “...applications by those already licensed may be considered without the requirement for a hearing, as contemplated in section 21(4)(b) of the *Ontario Energy Board Act, 1998*.” Iccon asked that the application for amendment be determined without a hearing, and I find that no other parties will be adversely affected in a material way by the outcome of the proceeding. I have therefore proceeded without a hearing pursuant to section 21(4)(b) of the Act.

#### **IT IS THEREFORE ORDERED THAT:**

1. Iccon’s licence ET-2010-0403 is amended by changing the effective date of the licence to the date upon which Iccon is designated as a developer of transmission assets in Ontario pursuant to a Board designation process or the date upon which Iccon applies to amend schedule 1 of the licence to specify the facilities to be owned and/or operated by Iccon, whichever is earlier.

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<sup>1</sup> Decision and Order in TransCanada Power Transmission (Ontario) L.P. Licence Amendment Application (EB-2011-0260), page 10.

**DATED** at Toronto January 9, 2012

**ONTARIO ENERGY BOARD**

*Original signed by*

Jennifer Lea  
Counsel, Special Projects