



EB-2012-0210

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 86(1)(b) of the *Ontario Energy Board Act*,
1998 by Midland Power Utility Corporation, seeking
an order granting leave to sell distribution system
assets to Loblaw Companies Limited.

By delegation, before: Adrian Pye

DECISION AND ORDER

May 3, 2012

THE APPLICATION

Midland Power Utility Corporation ("Midland Power") filed an application with the Ontario Energy Board on April 20, 2012 under section 86(1)(b) of the *Ontario Energy Board Act*, 1998 (the "Act") for a Board order granting Midland Power leave to sell certain distribution system assets to Loblaw Companies Limited ("Loblaw").

The assets consist of one test block, assorted wiring and cabling, three current transformers and three voltage transformers (the "metering assets") and are located at 9292 County Road, Midland, Ontario. The physical transfer of the assets to Loblaw occurred on April 20, 2012.

The total sale price of \$348.00 (plus HST) represents the net book value of the assets.

FINDINGS

Based on the evidence, I find that there are benefits to the sale transaction, and no negative consequences have been identified. It is therefore in the public interest to

grant Midland Power leave to sell the metering assets to Loblaw. The following facts are relevant to this decision.

Section 86(1)(b) of the Act provides that leave of the Board is required before a transmitter or a distributor can “sell, lease or otherwise dispose of that part of its transmission or distribution system that is necessary in serving the public.” The assets that are the subject of this transaction are necessary in serving the public.

The sale is for the purposes of transferring ownership of the metering assets to Loblaw to use these assets for wholesale metering as an Independent Electricity System Operator market participant. Midland Power states that these assets have exclusively served and will continue to serve Loblaw. After the transaction Loblaw will own the assets instead of the utility. Midland Power states that the transaction will not adversely affect the safety, reliability, quality of service or operations of the applicant or Loblaw. The transfer will not impact distribution rates of the applicant.

Midland Power requested, with Loblaw’s consent, 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 person will be adversely affected in a material way by the outcome of this proceeding. I have therefore disposed of this matter without a hearing.

IT IS ORDERED THAT:

1. Midland Power Utility Corporation is granted leave to sell one test block, wiring and cabling, three current transformers and three voltage transformers located at the 9292 County Road, Midland, Ontario to Loblaw Companies Limited effective April 20, 2012.

ISSUED at Toronto, May 3, 2012

ONTARIO ENERGY BOARD

Original signed by

Adrian Pye
Manager
Licence Applications