



EB-2012-0311

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 NextEra
Energy Canadian Operating Services, Inc. for an
electricity generation licence.

PROCEDURAL ORDER NO. 2

NextEra Energy Canadian Operating Services, Inc. ("NextEra") filed an application dated July 9, 2012 with the Ontario Energy Board (the "Board") under section 60 of the *Ontario Energy Board Act, 1998* for an electricity generation licence as a Feed-In Tariff ("FIT") Program participant. NextEra's application states that it has received a "Notice to Proceed" from the Ontario Power Authority (the "OPA") to construct an electricity generation facility in Alma, Ontario (the "Facility").

The Board's Notice of Application and Written Hearing (the "Notice") for this proceeding was published on August 3, 2012. The Notice stated that the application will be decided by way of written hearing unless a party satisfies the Board that there is a good reason for holding an oral hearing. The Notice included timelines for interested parties to file written objections to proceeding by way of a written hearing, for interested parties to file written submissions on the merits of the application, and for the applicant to respond to any written submissions.

The Board did not receive any submissions on the merits of the application.

The Board received one submission objecting to a written hearing on August 21, 2012, by Preserve Mapleton Inc. ("PMI"). Specifically, PMI requested that the Board convene "an oral hearing on the granting of Feed-in Tariff Program licences" to NextEra. On August 31, 2012, NextEra responded to the PMI submission.

On September 20, 2012, the Board issued a Decision with Reasons and Procedural Order No. 1. The Board noted that the application that is under consideration is for a

licence to generate electricity (which the Board has authority to grant pursuant to section 57 of the Act), and that such applications are regularly determined by way of a written hearing. The Board found that PMI has not demonstrated that an oral hearing with respect to NextEra's application for a generation licence is necessary in order to effectively present its arguments. The Board decided to proceed in this matter by way of a written hearing.

The Decision with Reasons and Procedural Order No.1 set out a schedule for the filing of submissions. Interested parties had until September 27, 2012 to make a written submission. On September 25, 2012, the Board received a letter from PMI requesting an extension for filing written submissions.

The Board approves the extension request by PMI. However, the Board would like to note that the main criteria in relation to the licensing of electricity generators under the FIT Program are whether the applicant received a Notice to Proceed from the OPA and the status of the connection process with the local distributor. In addition, the Board notes that in the exercise of its licensing function the Board's practice is to review a licence application based on the applicant's ability to own and/or operate a generation facility and to participate reliably in Ontario's energy market. The Board further notes that other agencies have the mandate to oversee areas such as the environmental and regulatory approvals related to the actual generation facilities.

The Board considers it necessary to make provision for the following matters related to this proceeding. Please be aware that this procedural order may be amended, and further procedural orders may be issued from time to time.

IT IS THEREFORE ORDERED THAT:

1. If PMI or any other interested party wishes to make a written submission on the application, the submission must be filed with the Board and delivered to the applicant by **October 15, 2012**.
3. If the applicant wishes to respond to any submissions filed on its application, the response must be filed with the Board and copied to the party having filed the submission by **October 24, 2012**.

All communications should be directed to the attention of the Board Secretary at the address below, and be received no later than 4:45 p.m. on the required date.

All filings to the Board must quote the file number, EB-2012-0311, be made through the Board's web portal at <https://www.pes.ontarioenergyboard.ca/eservice/>, and consist of

two paper copies and one electronic copy in searchable / unrestricted PDF format. Filings must clearly state the sender's name, postal address and telephone number, fax number and e-mail address. Parties must use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at <http://www.ontarioenergyboard.ca/OEB/Industry>. If the web portal is not available parties may email their documents to the address below. Those who do not have internet access are required to submit all filings on a CD in PDF format, along with two paper copies. Those who do not have computer access are required to file 7 paper copies.

DATED at Toronto, September 27, 2012

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary