



**EB-2012-0358**

**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 RE  
Orillia 3 ULC for an electricity generation licence as a  
Feed-In Tariff Program participant.

By delegation, before: David Richmond

**DECISION AND ORDER**  
**January 17, 2013**

**THE APPLICATION**

RE Orillia 3 ULC filed an application dated October 2, 2012 with 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. The application included a "Notice to Proceed" from the Ontario Power Authority (the "OPA") dated July 4, 2012.

The Board posted the Notice of Application and Written Hearing for an electricity generation licence on October 11, 2012. The applicant informed the Board that it posted the notice on its website on October 12, 2012. The notice invited submissions from interested parties by November 1, 2012.

On November 5, 2012, the Board received a letter from Bernard Pope on behalf of Ontario Farmland Preservation ("OFP"), requesting that the Board permit it to make a late submission. The Board's Procedural Order No. 1 was issued on November 12, 2012, extending the timelines for the filing of written submissions.

OFP filed its written submission on November 23, 2012 and two amendments to the submission on November 25, 2012. In its submissions, among other things, OFP argued that there was a lack of meaningful consultation by the applicant, disapproved of the applicant's practice of not offering bonding for decommissioning, disagreed with the applicant's Construction Reports and submitted that the applicant spent insufficient time to complete adequate wildlife studies. Moreover, OFP indicated its disapproval with the provincial government's policies with regard to electrical infrastructure and protection of farmland. OFP stated, "The electrical infrastructure of the province has failed" and "the rural land that can produce this food, has to not only be protected in policy but also in an enforceable practice." OFP ultimately requested that the Board not issue a licence to the applicant and other projects in the dossier of, its parent company.

The applicant filed a reply submission on December 3, 2012. In its submission, the applicant noted that OFP did not allege that RE Orillia 3's application was inaccurate or incomplete but, rather, the matters raised in OFP's submission were all matters not within the ambit of the Board jurisdiction on an application for a generation licence under the FIT Program. The applicant argued that the only matter of potential interest to the Board is the allegation of insufficient consultation with respect to the project. The applicant, in any event, rejected the allegation and provided evidence of sufficient consultation by filing a Consultation Report, dated August 3, 2011, and Consultation Report Addendum, dated November 5, 2012. The applicant requested that the Board grant its application without further process.

## FINDINGS

The Board finds that the concerns raised by OFP are not within the scope of the matters considered by the Board when reviewing an application made by an OPA-contracted FIT Program participant for an electricity generation licence. The Board's main criteria for review in relation to the licensing of electricity generators under the FIT Program are whether the applicant has received a Notice to Proceed from the OPA. With respect to the Notice of Application and Written Hearing, the applicant is only required to post the Notice on its website and this was confirmed by the applicant in a letter dated October 15, 2012. The applicant has satisfied the requirements in its application.

After reviewing the application and considering the subsequent submissions by the parties, the Board finds it in the public interest to issue the electricity generation licence under Part V of the Act.

**IT IS THEREFORE ORDERED THAT:**

RE Orillia 3 ULC is granted an electricity generation licence as a Feed-In Tariff Program participant, on such conditions as are contained in the attached licence.

**DATED** at Toronto, January 17, 2013

**ONTARIO ENERGY BOARD**

*Original Signed By*

David Richmond  
Manager, Electricity Facilities & Infrastructure Applications