



EB-2013-0006
EB-2013-0012

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 ABW
Solar General Partnership under section 74 of the Act
for an amendment to its electricity generation licence
EG-2011-0030.

AND IN THE MATTER OF an application by First
Solar Development (Canada), Inc. under section 74 of
the Act for an amendment to its electricity generation
licence EG-2006-0336.

By delegation, before: Adrian Pye

DECISION AND ORDER

APRIL 11, 2013

ABW Solar General Partnership ("ABW Solar") filed an application dated February 27, 2013 with the Ontario Energy Board under section 74 of the *Ontario Energy Board Act, 1998* (the "Act") for an amendment to its electricity generation licence as a Standard Offer Program participant. ABW Solar has applied to add the provision for operational authority for the solar generation facilities that ABW Partnership is acquiring from First Solar Development (Canada), Inc. ("First Solar").

ABW Solar entered into a project development agreement and an operating and maintenance agreement with First Solar on January 4, 2011. Based on the terms of the project development agreement, First Solar would develop and construct each of the projects and upon achieving substantial completion, title to the facilities and assets will be transferred to ABW Solar.

The Decision and Order (EB-2011-0030) granting ABW Solar its generation licence only granted ownership authority of the subject generation facilities. The operational authority would continue to be maintained under First Solar's generation licence. The EB-2011-0030 Decision and Order also stated that Schedule 1 of ABW Solar's licence would remain incomplete until the Board receives written confirmation from ABW Solar and First Solar that the commercial transaction has closed and the generation assets have been transferred.

This application requests that ABW Solar now be granted operational authority in addition to ownership authority following close of the transaction. The application also states that First Solar will cancel its licence following transfer of the facilities.

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 applicant has consented to disposing of the application without a hearing.

I find that it is in the public interest to grant the requested amendment to the licence. Schedule 1 of ABW Solar's generation licence, which ordinarily describes the generation facility for which the applicant is being licensed, will remain incomplete until the Board receives written confirmation from ABW Solar and First Solar that the commercial transaction has closed. At that same time, First Solar must file a letter to the Board to cancel its electricity generation licence EG-2006-0336. When the confirmation and letter from First Solar are received, the Board will amend Schedule 1 of ABW Solar's licence to include operational and ownership authority of the generation assets, and concurrently cancel First Solar's licence.

IT IS THEREFORE ORDERED THAT:

1. Schedule 1 of ABW Solar's electricity generation licence will be completed to give ownership and operational authority to ABW Solar for the generation facilities when the Board receives written confirmation from ABW Solar and First Solar that the generation facilities have been transferred to ABW Solar and First Solar has requested cancellation of its generation licence EG-2006-0336.

DATED at Toronto, April 11, 2013

ONTARIO ENERGY BOARD

Original signed by

Adrian Pye
Manager, Licence Applications