



EB-2013-0253

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 North Bay Hydro Services Inc. for an electricity generation licence.

By delegation, before: David Richmond

DECISION AND ORDER
August 22, 2013

North Bay Hydro Services Inc. ("NBHSI" or the "Applicant") filed an application dated June 27, 2013 with the Ontario Energy Board under section 60 of the *Ontario Energy Board Act, 1998* (the "Act") for an electricity generation licence as a Feed-In Tariff Program participant. NBHSI updated its application on July 9, 2013, providing a letter from North Bay Hydro Distribution Limited ("NBHDL") requesting the cancellation of NBHDL's Electricity Generation Licence EG-2011-0279, on which the subject facility is currently listed.

The Board's Notice of Application and Written Hearing ("Notice") for an electricity generation licence was posted on July 12, 2013. According to the Notice, submissions were due to be filed by August 2, 2013 and reply submissions were due on August 9, 2013. On July 29, 2013, Mr. Donald Rennick, a customer of North Bay Hydro Distribution Limited sent a letter to the Board requesting intervenor status. On August 2, 2013, Mr. Rennick filed with the Board, interrogatories addressed to the applicant.

The applicant sent a response to Mr. Rennick on August 6, 2013 stating that the Notice does not provide for a round of interrogatories in this proceeding. Rather the Notice allows for interested parties to file written submissions on or before August 2, 2013.

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.

I note that the Board uses three main criteria to assess an electricity generator licence application:

- The applicant's ability to be a financially viable entity with respect to owning and operating a generation facility in Ontario's energy market;
- The applicant's technical capability to reliably and safely operate a generator; and
- The applicant and its key individuals' past business history and conduct such that they afford reasonable grounds for belief that the applicant will carry on business in accordance with the law, integrity and honesty.

When an applicant for an electricity generation licence is a FIT Program participant, the OPA undertakes a rigorous assessment of the applicant's financial viability, technical capability and conduct. If the OPA is satisfied with the results of this assessment, the OPA grants the applicant a Notice to Proceed. Because of the rigor of the OPA assessment process, the Board will generally grant a generation licence to an applicant if it has received a Notice to Proceed from the OPA.

In this case, the OPA issued a Notice to Proceed to NBHDL on April 28, 2010. The applicant has provided an 'Assumption and Acknowledgment' notice executed by the OPA on April 22, 2013 for the assignment of the FIT contract to NBHSI.

I find that the matters raised in the interrogatories filed by Mr. Rennick do not fall within the scope of a licence review, as defined above.

After considering the application, it has been found to be in the public interest to issue the electricity generation licence under Part V of the Act.

IT IS THEREFORE ORDERED THAT:

1. The application for an electricity generation licence is granted, on such conditions as are contained in the attached licence;
2. Electricity Generation Licence EG-2011-0279 is hereby cancelled.

DATED at Toronto, August 22, 2013

ONTARIO ENERGY BOARD

Original signed by

David Richmond
Manager, Electricity Facilities & Infrastructure Applications