



**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



# Electricity Generation Licence

## EG-2013-0253

# North Bay Hydro Services Inc.

Valid Until

August 21, 2033

*Original signed by*

---

**David Richmond**  
**Manager, Electricity Facilities & Infrastructure Applications**  
**Ontario Energy Board**  
**Date of Issuance: August 22, 2013**

Ontario Energy Board  
P.O. Box 2319  
2300 Yonge Street  
27th. Floor  
Toronto, ON M4P 1E4

Commission de l'énergie de l'Ontario  
C.P. 2319  
2300, rue Yonge  
27e étage  
Toronto ON M4P 1E4

	<b>Table of Contents</b>	<b>Page No.</b>
1	Definitions .....	1
2	Interpretation .....	1
3	Authorization .....	1
4	Obligation to Comply with Legislation, Regulations and Market Rules .....	1
5	Obligation to Maintain System Integrity .....	1
6	Restrictions on Certain Business Activities.....	2
7	Provision of Information to the Board.....	2
8	Term of Licence .....	2
9	Fees and Assessments.....	2
10	Communication .....	2
11	Copies of the Licence.....	3
	SCHEDULE 1 LIST OF LICENSED GENERATION FACILITIES .....	4

## 1 Definitions

In this Licence:

“**Act**” means the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, Schedule B;

“**Electricity Act**” means the *Electricity Act, 1998*, S.O. 1998, c. 15, Schedule A;

“**generation facility**” means a facility for generating electricity or providing ancillary services, other than ancillary services provided by a transmitter or distributor through the operation of a transmission or distribution system and includes any structures, equipment or other things used for that purpose;

“**Licensee**” means North Bay Hydro Services Inc.;

“**regulation**” means a regulation made under the Act or the Electricity Act;

## 2 Interpretation

- 2.1 In this Licence words and phrases shall have the meaning ascribed to them in the Act or the Electricity Act. Words or phrases importing the singular shall include the plural and vice versa. Headings are for convenience only and shall not affect the interpretation of this Licence. Any reference to a document or a provision of a document includes an amendment or supplement to, or a replacement of, that document or that provision of that document. In the computation of time under this Licence where there is a reference to a number of days between two events, they shall be counted by excluding the day on which the first event happens and including the day on which the second event happens. Where the time for doing an act expires on a holiday, the act may be done on the next day that is not a holiday.

## 3 Authorization

- 3.1 The Licensee is authorized, under Part V of the Act and subject to the terms and conditions set out in this licence, to generate electricity or provide an ancillary service for sale under a contract with the Ontario Power Authority and the contract is entered into as part of a standard offer program offered by the Ontario Power Authority. This Licence authorizes the Licensee only in respect of those facilities set out in Schedule 1.

## 4 Obligation to Comply with Legislation, Regulations and Market Rules

- 4.1 The Licensee shall comply with all applicable provisions of the Act and the Electricity Act, and regulations under these acts, except where the Licensee has been exempted from such compliance by regulation.
- 4.2 The Licensee shall comply with all applicable Market Rules.

## 5 Obligation to Maintain System Integrity

- 5.1 Where the IESO has identified, pursuant to the conditions of its licence and the Market Rules, that it is necessary for purposes of maintaining the reliability and security of the IESO-controlled

grid, for the Licensee to provide energy or ancillary services, the IESO may require the Licensee to enter into an agreement for the supply of energy or such services.

- 5.2 Where an agreement is entered into in accordance with paragraph 5.1, it shall comply with the applicable provisions of the Market Rules or such other conditions as the Board may consider reasonable. The agreement shall be subject to approval by the Board prior to its implementation. Unresolved disputes relating to the terms of the Agreement, the interpretation of the Agreement, or amendment of the Agreement, may be determined by the Board.

## **6 Restrictions on Certain Business Activities**

- 6.1 Neither the Licensee, nor an affiliate of the Licensee shall acquire an interest in a transmission or distribution system in Ontario, construct a transmission or distribution system in Ontario or purchase shares of a corporation that owns a transmission or distribution system in Ontario except in accordance with section 81 of the Act.

## **7 Provision of Information to the Board**

- 7.1 The Licensee shall maintain records of and provide, in the manner and form determined by the Board, such information as the Board may require from time to time.
- 7.2 Without limiting the generality of paragraph 7.1 the Licensee shall notify the Board of any material change in circumstances that adversely affects or is likely to adversely affect the business, operations or assets of the Licensee, as soon as practicable, but in any event no more than twenty (20) days past the date upon which such change occurs.

## **8 Term of Licence**

- 8.1 This Licence shall take effect on August 22, 2013 and expire on August 21, 2033. The term of this Licence may be extended by the Board.

## **9 Fees and Assessments**

- 9.1 The Licensee shall pay all fees charged and amounts assessed by the Board.

## **10 Communication**

- 10.1 The Licensee shall designate a person that will act as a primary contact with the Board on matters related to this Licence. The Licensee shall notify the Board promptly should the contact details change.
- 10.2 All official communication relating to this Licence shall be in writing.
- 10.3 All written communication is to be regarded as having been given by the sender and received by the addressee:
- a) when delivered in person to the addressee by hand, by registered mail or by courier;
  - b) ten (10) business days after the date of posting if the communication is sent by regular mail; or

- c) when received by facsimile transmission by the addressee, according to the sender's transmission report.

## **11 Copies of the Licence**

11.1 The Licensee shall:

- a) make a copy of this Licence available for inspection by members of the public at its head office and regional offices during normal business hours; and
- b) provide a copy of this Licence to any person who requests it. The Licensee may impose a fair and reasonable charge for the cost of providing copies.



**SCHEDULE 1 LIST OF LICENSED GENERATION FACILITIES**

The Licence authorizes the Licensee only in respect to the following:

1. The ownership and operation of Merrick Landfill Gas Project with an installed capacity of 1.6 MW located at Part of Annulled Lots 10, 11 and 12, Concessions IV and V and Part of Annulled Lots 10 and 11, Concession VI in the unorganized Township of Merrick, District of Nipissing.