



EB-2013-0290
EB-2013-0291

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
Canadian Hydro Developers, Inc. to amend its
electricity generation licence EG-2003-0134;

AND IN THE MATTER OF an application by Ragged
Chute Energy Inc. for an electricity generation licence.

By delegation, before: Theodore Antonopoulos

INTERIM DECISION AND ORDER
August 23, 2013

THE APPLICATIONS

The Ontario Energy Board received applications from Canadian Hydro Developers, Inc. ("Canadian Hydro") and Ragged Chute Energy Inc. ("Ragged Chute") on August 6, 2013. The subject of both applications is the Ragged Chute Plant run-of-river hydro facility (the "Facility") at Montreal River, Ontario.

Specifically, Canadian Hydro filed an application seeking to amend its electricity generation licence such that the Facility would be removed from Schedule "A" of its licence. The Board assigned the application file number EB-2013-0290.

As well, Ragged Chute filed an application for an electricity generation licence. The application was incomplete and, as required by the Board, Ragged Chute filed further

information on August 16, 2013. The Board assigned the application file number EB-2013-0291.

The Board has determined that the applications will be combined pursuant to Section 21(5) of the *Ontario Energy Board Act, 1998* (the “Act”).

Canadian Hydro’s application indicates that it was in the process of selling its interest in the Facility to an affiliated entity, TransAlta Corporation. The application further indicates that Canadian Hydro is currently a wholly-owned subsidiary of TransAlta Corporation, however, in connection with the formation of TransAlta Renewables Inc., Canadian Hydro will sell its interest in the Facility to Ragged Chute, an entity also wholly-owned by TransAlta Corporation. Moreover, the Facility will continue to be indirectly wholly-owned by TransAlta Corporation and no changes in respect of the operation or management of the Facility will arise as a result of the transfer.

Canadian Hydro and Ragged Chute stated that the Facility was expected to be transferred on August 9, 2013. In its additional filing with the Board to complete its application, Ragged Chute confirmed to the Board that the transfer took place on August 9, 2013.

Ragged Chute requested that an interim electricity generation licence be issued until the Board makes a final decision with respect to the application for an electricity generation licence.

Canadian Hydro requested that its licence be amended to remove the ownership/operation of the Facility concurrent with the Board’s granting of the interim licence to Ragged Chute. Canadian Hydro requested, that the Board dispose of the amendment to its licence without a hearing under section 21(4)(b) of the Act because no other person will be adversely affected in a material way by the outcome of this proceeding.

FINDINGS

I find, based on the evidence filed in Canadian Hydro’s application, that no other person will be adversely affected in a material way by the outcome of this proceeding. I have therefore disposed of the matter regarding an amendment to Canadian Hydro’s licence without a hearing. The requested amendment is approved on a final basis.

I note that Ragged Chute filed its application for an electricity generation licence on August 6, 2013 which, at best, would have allowed just 3 days from the date the incomplete application was filed for the Board to consider the application and issue an interim licence prior to August 9, 2013, the date in which the transfer of the Facility took place. In fact, the Board could not process the application because it remained incomplete until August 16, 2013. Ragged Chute is reminded that it carries the onus of filing an application on a timely basis given the requirements of notice, and the Board's typical timelines of processing licence applications, or in the alternative to explain why that was not possible. With a timely application, an interim licence should not be necessary.

Given that the Facility was transferred on August 9, 2013, I find that it is in the public interest to issue an interim licence to Ragged Chute until such time as Ragged Chute's application for an electricity generation licence is determined on a final basis.

IT IS THEREFORE ORDERED THAT:

1. Canadian Hydro Developers, Inc.'s electricity generation licence EG-2003-0134 is amended to remove the Ragged Chute Plant run-of- river hydro facility from Schedule "A". The amendment is final and the amended licence is attached to this Interim Decision and Order; and
2. Ragged Chute Energy Inc. is granted an interim electricity generation licence until the date upon which its application for an electricity generation licence in EB-2013-0291 is determined on a final basis. The interim licence is attached to this Interim Decision and Order.

DATED at Toronto, August 23, 2013

ONTARIO ENERGY BOARD

Original Signed By

Theodore Antonopoulos
Manager, Electricity Rates