



**EB-2013-0235**  
**EB-2013-0236**  
**EB-2013-0237**  
**EB-2013-0238**  
**EB-2013-0239**  
**EB-2013-0240**  
**EB-2013-0241**  
**EB-2013-0277**

**IN THE MATTER OF** the *Ontario Energy Board Act, 1998*, S.O.1998, c.15, Schedule B;

**AND IN THE MATTER OF** an application for an electricity generation licence by each of: Met Fiera Solar Orillia 1 L.P.; Met Fiera Solar Orillia 2 L.P.; Met Fiera Solar Breen 2 L.P.; Met Fiera Solar Midhurst 2 L.P.; Met Fiera Solar Midhurst 3 L.P.; Met Fiera Solar Midhurst 4 L.P.; Met Fiera Solar Midhurst 6 L.P.; Met Fiera Solar Adelaide 1 L.P.

By delegation, before: David Richmond

**DECISION AND ORDER**  
**September 19, 2013**

Met Fiera Solar Orillia 1 L.P., Met Fiera Solar Orillia 2 L.P., Met Fiera Solar Breen 2 L.P., Met Fiera Solar Midhurst 2 L.P., Met Fiera Solar Midhurst 3 L.P., Met Fiera Solar Midhurst 4 L.P. and Met Fiera Solar Midhurst 6 L.P. each filed an application with the Board on June 4, 2013, and Met Fiera Solar Adelaide 1 L.P. filed its application on July 23, 2013. Each of the applications was filed under section 60 of the *Ontario Energy Board Act, 1998* for an electricity generation licence as Feed-in Tariff ("FIT") program participant, and for authorization to own and operate a generation facility. The Board assigned file numbers EB-2013-0235, EB-2013-0236, EB-2013-0237, EB-2013-0238, EB-2013-0239, EB-2013-0240 and EB-2013-0277 to the applications, respectively.

The Board issued a combined Notice of Application and Written Hearing on August 2, 2013, giving notice that the eight applications would be heard together. Board staff filed

a submission on August 23, 2013 and the applicants filed their joint reply submission on August 30, 2013. No other parties participated in the hearing.

The applicants have entered into agreements to purchase generation facilities subject of these licence applications from eight affiliates of Recurrent Energy Lux Holdings (“Recurrent”). These affiliates of Recurrent have been granted by the Board the electricity generation licences to own and operate the respective facilities. In accordance with the agreements, each of the facilities will be transferred to the respective applicants once they achieve commercial operation, and given that certain other conditions are satisfied. On the closing date of the commercial transactions, each of the Recurrent affiliates will transfer all of its rights, title, and interest in its generation facility to one of the applicants. At that time, the Recurrent affiliates will also request cancellation of their respective licences.

On June 21, 2013, the Board issued a letter indicating that the applications cannot be processed until the applicants provide the Board with proof of the Ontario Power Authority’s (“OPA”) approval of the transfer of the generation facilities to the applicants. By letter dated July 23, 2013, the applicants stated that the requested information can only be provided after the facilities achieve commercial operation. Specifically, they stated that, due to the OPA’s FIT program rules, each contract can only be assigned by the contract holder following the commercial operation date for the facility that is the subject of the contract. The applicants stated that they require to be licensed in advance of the closing of commercial transactions in order to provide the degree of commercial certainty appropriate to support the amount of borrowing and investment that the applicants have committed to in their agreements with lenders and Recurrent.

In its review of a licence application for electricity generation licence as a FIT program participant, the Board relies on the OPA’s 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 rigour 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 its submission, Board staff noted that in instances where an applicant for an electricity generation licence (as FIT Program participant) is purchasing a facility from an entity that holds an OPA contract and Notice to Proceed, the Board will generally accept an OPA-executed Assumption and Acknowledgement agreement as confirmation of the OPA’s approval of

the applicant's qualifications mentioned above. Board staff submitted that, in the absence of the OPA-executed Assumption and Acknowledgement agreement, the Board should consider the technical capabilities of the applicants' owner, Fiera Axiom Infrastructure Canada L.P. ("FAIC LP"). Board staff noted the evidence of the applicants that FAIC LP currently owns 352.8 MW of wind generation and 67.4 MW of solar PV generation all located across southeastern Ontario.

Board staff also submitted that each of the licences should be issued with a future effective date, the date of which would be when the respective applicant (i) confirms that the commercial transaction has closed and (ii) files an executed copy of the OPA's Assumption and Acknowledgement Agreement in respect of the transferred facility. Schedule 1 of each licence would also be completed only upon the applicant's filing of written confirmation to the Board that the commercial transaction has closed.

In their joint reply submission, the applicants agreed to the licensing conditions proposed by Board staff.

After considering the applications, I find it to be in the public interest to issue an electricity generation licence under Part V of the Act to each of the applicants. This will permit the applicants to finalize their transaction with the Recurrent affiliates.

**IT IS THEREFORE ORDERED THAT FOR EACH OF THE APPLICATIONS:**

1. The application for an electricity generation licence is granted, on such conditions as are contained in the attached licence.
2. The licence will become effective on the date upon which the applicant files with the Board an executed copy of the Ontario Power Authority's Assumption and Acknowledgement agreement in respect of the transferred facility and a written confirmation that the commercial transaction has closed.
3. Schedule 1 to the licence will be completed when the Board receives written confirmation from the applicant that the commercial transaction has closed and that the generation facility has been transferred to the applicant.

**DATED** at Toronto September 19, 2013

**ONTARIO ENERGY BOARD**

*Original signed by*

David Richmond

Manager

Electricity Facilities & Infrastructure Applications