



EB-2013-0314

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 electricity generation licence
EG-2011-0030;

AND IN THE MATTER OF a request by First Solar
Development (Canada), Inc. under section 77(5) of
the Act to cancel electricity generation licence EG-
2006-0336.

By delegation, before: Viive Sawler

DECISION AND ORDER
October 17, 2013

ABW Solar General Partnership ("ABW Solar") filed an application dated August 26, 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 and to request cancellation of First Solar Development (Canada), Inc.'s ("First Solar") electricity generation licence. The application is in relation to solar generation facilities that ABW Solar is acquiring from 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 issued on May 11, 2011 (EB-2011-0030) granting ABW Solar its generation licence only granted ownership authority of the subject generation facilities. ABW Solar was subsequently also granted operational authority of the subject

generation facilities in the Decision and Order issued on April 11, 2013 (EB-2013-0006/EB-2013-0012).

The EB-2011-0030 and EB-2013-0006/EB-2013-0012 Decision and Orders 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. The EB-2013-0006/EB-2013-0012 Decision and Order further stated that First Solar must file a letter with the Board to cancel its electricity generation licence upon the commercial transaction closing.

This application requests that Schedule 1 of ABW Solar's generation licence be completed to include the subject generation facilities and that First Solar's generation licence be cancelled, given that the commercial transaction has now closed.

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.

I find that it is in the public interest to grant the requested amendment to complete Schedule 1 of ABW Solar's electricity generation licence, and to cancel First Solar's electricity generation licence.

IT IS THEREFORE ORDERED THAT:

1. Schedule 1 of ABW Solar's electricity generation licence EG-2011-0030 is amended and completed to give ownership and operational authority to ABW Solar for the subject generation facilities.
2. First Solar's electricity generation licence EG-2006-0336 will be cancelled.

DATED at Toronto, October 17, 2013

ONTARIO ENERGY BOARD

Original signed by

Viive Sawler
Manager, Licence Applications, Conservation & Reporting