



EB-2013-0401

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
Wainfleet Wind Energy Inc. for an electricity
generation licence.

By delegation, before: David Richmond

DECISION AND ORDER
January 2, 2014

Wainfleet Wind Energy Inc. ("Wainfleet") filed an application on November 11, 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 ("FIT") Program participant.

The Board's Notice of Application and Written Hearing (the "Notice") for an electricity generation licence was posted on November 27, 2013. One member of the public, Mr. Andrew Watts, responded to the Notice by a letter dated December 9, 2013. The writer stated that despite the fact that the Township of Wainfleet declared their community an Unwilling Host, the applicant proceeded with its wind project. In addition, the writer expressed concerns about negative environmental and health impacts of wind energy projects and the lack of economic, environmental and societal benefits of wind energy.

On December 16, 2013, the Board also received a letter in response to the Notice, from the Township of Wainfleet (the "Township"), requesting that the Board deny the application filed by Wainfleet based on the Township's opposition to industrial wind turbine projects being pursued by the applicant in Wainfleet.

I have reviewed the concerns raised in the letters. The concerns raised in the letters are not within the scope of the matters considered by the Board in considering an application for a generation licence as a FIT Program participant. Other agencies have the mandate to oversee areas such as the environmental and regulatory approvals related to the actual generation facilities.

A FIT electricity generation licence permits the licensee to generate electricity or provide an ancillary service for sale under a contract with the Ontario Power Authority (the "OPA"). The licence does not grant approval to build the generation facility itself. It is, therefore, a process for licensing the applicant, not the facility.

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.e. the Board assesses the applicant's financial viability, technical capability and conduct. 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 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. The information provided by the applicant on this matter is satisfactory, specifically the OPA has entered into a FIT contract with Wainfleet and has provided Wainfleet with a Notice to Proceed.

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:

The application for an electricity generation licence is granted, on such conditions as are contained in the attached licence.

DATED at Toronto, January 2, 2014.

ONTARIO ENERGY BOARD

Original Signed By

David Richmond
Manager, Electricity Facilities &
Infrastructure Applications