



**EB-2014-0020**

**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 SunE  
Welland Ridge LP for an electricity generation licence.

By delegation, before: Viive Sawler

## **DECISION AND ORDER**

**March 27, 2014**

SunE Welland Ridge LP ("SunE Welland") filed an application on January 17, 2014 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 February 3, 2014. Carol & Herb Haeberle responded to the Notice by filing two emails on February 24, 2014.

In their two emails, the writers expressed their concerns with various aspects of the solar facility for which the electricity generation licence is being sought including the negative environmental and health impacts of the facility.

On March 3, 2014, SunE Welland responded to the two emails. The applicant noted that it has acquired all permits and approvals necessary for the design, development, and construction of the facility. The applicant further noted that the issues raised in the two emails were addressed in those approval processes.

I have reviewed the concerns raised in the two emails. The concerns raised 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 SunE Welland and has provided SunE Welland 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, March 27, 2014

**ONTARIO ENERGY BOARD**

*Original signed by*

Viive Sawler  
Manager, Licensing & Performance Reporting



# Electricity Generation Licence

## EG-2014-0020

### SunE Welland Ridge LP

Valid Until

March 26, 2034

*Original signed by*

---

**Viive Sawler**  
**Manager, Licensing & Performance Reporting**  
**Ontario Energy Board**  
**Date of Issuance: March 27, 2014**

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 .....	3
2	Interpretation .....	3
3	Authorization .....	3
4	Obligation to Comply with Legislation, Regulations and Market Rules .....	3
5	Obligation to Maintain System Integrity .....	3
6	Restrictions on Certain Business Activities.....	4
7	Provision of Information to the Board.....	4
8	Term of Licence .....	4
9	Fees and Assessments.....	4
10	Communication .....	4
11	Copies of the Licence.....	5
	SCHEDULE 1 LIST OF LICENSED GENERATION FACILITIES .....	6

## 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 SunE Welland Ridge LP;

“**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 March 27, 2014 and expire on March 26, 2034. 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 owner and operator of SunE Welland Ridge LP with an installed capacity of 10 MW, located at 531 Strawn Rd, Welland, Ontario.