



EB-2014-0048

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 Emerald Energy from Waste Inc.

By delegation, before: Viive Sawler

INTERIM DECISION AND ORDER
March 31, 2014

Emerald Energy from Waste Inc. (“Emerald”) filed a complete application on March 10, 2014 under section 60 of the *Ontario Energy Board Act, 1998* (the “Act”) for an electricity generation licence. The Board assigned file number EB-2014-0048 to the application.

As stated in the application, Emerald is currently in the process of negotiating the purchase of the generation facilities that are currently owned and operated by KMS Peel, Inc. (“KMS Peel”), currently known as Algonquin Power Energy from Waste Inc. (“Algonquin”), under Board electricity generation licence EG-2001-0065. It is expected that the commercial closing of the transaction for the purchase and sale of the generation facilities will take place on March 31, 2014.

In its application, Emerald noted that should the transaction close prior to Emerald being granted an electricity generation licence, the generation facilities will be held in escrow where they will continue to be owned by Algonquin but operated by Emerald pursuant to an operating and maintenance agreement with Algonquin. In a letter filed on March 19, 2014, Emerald requested an interim electricity generation licence be issued prior to March 31, 2014 as this will deem the above noted escrow arrangement unnecessary, and avoid the need for an operating and maintenance agreement between Emerald and Algonquin.

In view of the time required to process an application in accordance with the Board's established practice and procedures and the applicant's need for a licence, I find that it is in the public interest to make an order to issue an interim order under section 21(7) and 6(4) of the Act granting a short-term electricity generation licence to the applicant pending final disposition of the matter.

Schedule 1 of the licence, which ordinarily describes the generation facility for which the applicant is being licensed, will remain incomplete until the Board receives written confirmation from the applicant and Algonquin that the commercial transaction has closed and the generation assets have been transferred to the applicant. At the same time, Algonquin must provide a written request to the Board to cancel its licence. When the transaction closing confirmation and the licence cancellation request are received, the Board will amend the applicant's interim licence to include the generation facilities in Schedule 1 and concurrently cancel the licence issued to KMS Peel.

The applicant is reminded that this interim decision does not constitute a final decision on the application.

IT IS THEREFORE ORDERED THAT FOR EACH OF THE APPLICATIONS:

1. An interim electricity generation licence is granted to the applicant on such conditions as are contained in the attached licence.
2. Schedule 1 of the applicant's interim electricity generation licence will be completed when the Board receives written confirmation from the applicant and Algonquin that the commercial transaction has closed and the generation facilities have been transferred; and concurrently, cancel the licence issued to KMS Peel, Inc. (EG-2001-0065) with respect to Algonquin's written request to cancel its licence.
3. The interim licence will be valid until June 30, 2014, or until the final determination of the electricity generation licence application, whichever is earlier.

DATED at Toronto March 31, 2014

ONTARIO ENERGY BOARD

Original signed by

Viive Sawler
Manager, Licensing & Performance Reporting