



EB-2014-0173
EB-2014-0177
EB-2014-0178
EB-2014-0180

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 Varna Wind Inc. under section 18(1) of the *Ontario Energy Board Act*, 1998 seeking leave to transfer the leave to construct approval granted by the Board in EB-2012-0442 to Varna Wind GP, ULC on behalf of Varna Wind, LP;

AND IN THE MATTER OF an application by Jericho Wind Inc. under section 18(1) of the *Ontario Energy Board Act*, 1998 seeking leave to transfer the leave to construct approvals granted by the Board in EB-2013-0040 and EB-2013-0361 to Jericho Wind GP, ULC on behalf of Jericho Wind, LP;

AND IN THE MATTER OF an application by Goshen Wind Inc. under section 18(1) of the *Ontario Energy Board Act*, 1998 seeking leave to transfer the leave to construct approval granted by the Board in EB-2013-0096 to Goshen Wind GP, ULC on behalf of Goshen Wind, LP;

AND IN THE MATTER OF an application by Kerwood Wind Inc. under section 18(1) of the *Ontario Energy Board Act*, 1998 seeking leave to transfer the leave to construct approvals granted by the Board in EB-2013-0040 and EB-2013-0041 to Kerwood Wind GP, ULC on behalf of Kerwood Wind, LP.

By delegation, before: Jennifer Lea

**DECISION AND ORDER
MAY 30, 2014**

Summary of the Applications

On April 21, 2014, applications were filed by Varna Wind Inc., Jericho Wind Inc., Goshen Wind Inc., and Kerwood Wind Inc. with the Board under section 18(1) of the *Ontario Energy Board Act, 1998* (the “Act”) seeking leave of the Board to transfer the leave to construct approvals previously granted by the Board. Due to the similar nature of the applications, the applications have been combined into one proceeding pursuant to section 21(5) of the Act.

As part of a corporate restructuring among entities associated with the NextEra businesses, each of the corporate applicants is proposing to transfer its assets to a limited partnership. The assets to be transferred include generation facilities, related land and infrastructure, and procurement contracts with the OPA. Each of the applicants was previously granted an Order or Orders by the Board for leave to construct transmission facilities that connect the generation facilities to the grid. These applications seek leave of the Board to transfer to the limited partnerships the authority given by the leave to construct Orders.

The applicants have provided the following information in support of their applications:

- The corporate reorganization will have no impact on the construction or operation of the transmission facilities.
- The change is purely one of legal structure.
- The limited partnerships to which the assets are transferred will be responsible for meeting the conditions of approval set out in the Board’s Orders granting leave to construct.
- There will be no change to any of the information submitted by the applicants in support of their leave to construct applications, except the legal name of the applicant and type of business entity.

Request for determination without a hearing

The applicants asked that the Board dispose of each of the applications without a hearing under section 21(4)(b) of the Act. That section states that the Board may dispose of an application without a hearing where it determines that no person other

than the applicant will be adversely affected in a material way by the outcome of the proceeding. I find that the test in section 21(4)(b) is met.

The requests for transfer of the authorities granted to construct electricity transmission facilities are the result of a corporate reorganization. The evidence in the applications indicates that the outcome of these proceedings will not affect the existence, location or operation of the transmission facilities, or the generation facilities connected to the transmission lines. The Board's original decisions granting the leave to construct applications indicate that there was opposition to the construction and location of some of the transmission facilities. However, in this application the Board will not be reconsidering the substantive issues raised in the original applications. I find that no person will be adversely affected in a material way by the outcome of these applications, which merely transfer the authorities already granted.

Board findings on the applications

I find that the applications should be granted. The applicants acknowledge that once the reorganization is complete, the limited partnerships will be responsible for meeting the conditions of approval set out in the Board's Orders granting leave to construct. The change in legal structure does not remove any of the obligations to act in accordance with the Board's Orders, or to comply with legislative and regulatory requirements. The Board can maintain its regulatory oversight of the transmission construction under the new legal structure.

IT IS THEREFORE ORDERED THAT:

1. Varna Wind Inc. is granted leave to transfer the leave to construct approval granted by the Board in EB-2012-0442 to Varna Wind GP, ULC on behalf of Varna Wind, LP;
2. Jericho Wind Inc. is granted leave to transfer the leave to construct approvals granted by the Board in EB-2013-0040 and EB-2013-0361 to Jericho Wind GP, ULC on behalf of Jericho Wind, LP;

3. Goshen Wind Inc. is granted leave to transfer the leave to construct approval granted by the Board in EB-2013-0096 to Goshen Wind GP, ULC on behalf of Goshen Wind, LP;
4. Kerwood Wind Inc. is granted leave to transfer the leave to construct approvals granted by the Board in EB-2013-0040 and EB-2013-0041 to Kerwood Wind GP, ULC on behalf of Kerwood Wind, LP;
5. Each limited partnership to which a leave to construct approval is transferred shall be responsible for meeting any conditions of approval set out in the Board's Decision and Order granting the Leave to Construct.

DATED at Toronto, May 30, 2014

ONTARIO ENERGY BOARD

Original signed by

Jennifer Lea
Counsel, Special Projects