



**EB-2014-0142**

**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 East Durham Wind, LP for an electricity generation licence.

By delegation, before: David Richmond

**DECISION AND ORDER**  
**May 30, 2014**

On April 17, 2014, East Durham Wind, LP (East Durham) filed an application 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 Program participant. East Durham has applied to be an owner of the East Durham Wind Energy Centre.

On March 20, 2014, East Durham Wind, Inc. submitted an application to own the East Durham Wind Energy Centre. Both, the applicant and East Durham Wind, Inc. are the affiliates of NextEra Energy Canada, ULC (“NextEra”). As a result of a corporate re-organization among affiliates associated with NextEra, East Durham Wind, Inc. will transfer its assets to the applicant. Accordingly, the original application was amended to reflect East Durham as a new owner of the East Durham Wind Energy Centre.

In the case of this application, the applicant will be acquiring a facility from East Durham Wind, Inc. as a result of the corporate re-organization. For a generation licence applicant who will be operating under a FIT contract with the Ontario Power Authority (the “OPA”), proof of signing of a procurement contract with the OPA and a Notice to Proceed are part of the evidence that must be filed with the Board. At present, East Durham Wind, Inc. is the entity that holds the OPA FIT contract and a Notice to Proceed. When generation assets are transferred to a new entity, the Board generally requires the applicant to obtain confirmation from the OPA of the transfer of the contracts to the new entity before the licence is granted. However, the applicant has

informed the Board that the OPA will finalize the transfer of the FIT contract only once the proposed re-organization is virtually complete. In order to allow completion of the corporate reorganization in an orderly fashion, the applicant proposed that the Board's approval of the licence application be made conditional on the OPA's assignment of the procurement contract. I find this proposal has merit.

After considering the application, I find it to be in the public interest to grant the electricity generation licence under Part V of the Act. I have decided this matter without a hearing under section 6(4) of the Act.

**IT IS THEREFORE ORDERED THAT:**

1. The application by East Durham Wind, LP for an electricity generation licence is granted, subject to the following conditions respecting timing:

An electricity generation licence will be issued to East Durham Wind, LP once the Board receives confirmation in writing that the OPA has assigned the FIT contract presently held by East Durham Wind, Inc. to East Durham Wind, LP.

**DATED** at Toronto, May 30, 2014

**ONTARIO ENERGY BOARD**

*Original signed by*

David Richmond  
Manager, Facilities & Infrastructure