



EB-2015-0129

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 Suncor Energy Products Inc. under section 18(1) of the *Ontario Energy Board Act, 1998* seeking leave to transfer the leave to construct approval granted by the Ontario Energy Board in EB-2014-0022 to Suncor Energy Products Inc.

By delegation, before: Peter Fraser

**DECISION AND ORDER
JUNE 25, 2015**

Summary of the Application

On March 23, 2015, Suncor Energy Products Inc. (Suncor) filed an application with the Ontario Energy Board (OEB) under section 18(1) of the *Ontario Energy Board Act, 1998* (Act) seeking leave of the OEB to transfer the leave to construct approval that it was granted by the OEB in EB-2014-0022 to Cedar Point II Limited Partnership (Partnership).

Suncor agreed, on January 30, 2015 to transfer its assets, the Cedar Point II Wind Energy Project to the Partnership. The transfer agreement recognized and accommodated the fact that the leave to construct, would, if granted, not be assigned until such assignment was approved by the OEB.

On February 16, 2015, the OEB granted Suncor leave to construct a 15 kilometre transmission line running from its Cedar Point II Wind Energy Project (Project) to transmission facilities controlled by Jericho Wind LP.

The transfer of the FIT contract from Suncor to the Partnership took place on March 19, 2015.

Suncor provided the following information in support of its application:

- The transfer of the leave to construct will have no impact on the construction or operation of the transmission facilities.
- The change is purely one of legal ownership structure.
- The Partnership will be responsible for meeting the conditions of approval set out in the OEB's Order granting leave to construct.
- There will be no change to any of the information submitted by Suncor in support of its leave to construct application, except the legal name of the applicant and the type of business entity, reflecting the change in ownership.

Request for determination without a hearing

Suncor asked that the OEB to dispose of this application without a hearing under section 21(4)(b) of the Act. That section states that the OEB 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.

Letters of comment were filed by Mr. Giorno and Ms. Bellavance opposing Suncor's request for determination of this matter without a public hearing.

I find that the test in section 21(4)(b) is met. The evidence in the application indicates that the outcome of this proceeding will not affect the existence, location or operation of the transmission facilities, or the generation facility connected to the transmission line. The OEB's original decision granting the leave to construct application indicates that there was opposition to the construction and location of the transmission facilities. However, in this application the OEB will not be reconsidering the substantive issues raised in the original application. I find that no person will be adversely affected in a material way by the outcome of this application, which merely transfers the authority already granted.

OEB findings on the application

I find that the application should be granted. Suncor acknowledges that the Partnership will be responsible for meeting the conditions of approval set out in the OEB's Order granting leave to construct. The change in legal structure does not remove any of the obligations to act in accordance with the OEB's Order, or to comply with legislative and regulatory requirements. The OEB can maintain its regulatory oversight of the transmission construction under the new legal structure.

IT IS THEREFORE ORDERED THAT:

1. Suncor Energy Products Inc. is granted leave to transfer the leave to construct approval granted by the OEB in EB-2014-0022 to Cedar Point II Limited Partnership;
2. Cedar Point II Limited Partnership shall be responsible for meeting any conditions of approval set out by the OEB in EB-2014-0022.

DATED at Toronto, June 25, 2015

ONTARIO ENERGY BOARD

Original signed by

Peter Fraser
Vice President, Industry Operations & Performance