



Ontario Energy Board
Commission de l'énergie de l'Ontario

VARY ORDER

EB-2013-0203

NIAGARA REGION WIND CORPORATION

**Order Varying the Decision and Order issued
on July 3, 2014.**

By Delegation, before: Peter Fraser

June 26, 2015

INTRODUCTION AND SUMMARY

The Ontario Energy Board (OEB) has, on its own motion, decided to review and vary its Decision and Order in this proceeding issued on July 3, 2014 (the Decision and Order).

The Decision and Order granted Niagara Region Wind Corporation (NRWC) leave to construct certain transmission facilities in Haldimand County and Niagara Region. The Decision and Order was issued with certain conditions of approval, including a requirement that NRWC commence construction of the transmission facilities prior to July 3, 2015.

On June 19, 2015, NRWC filed a letter requesting that the OEB extend the construction-commence deadline to mid-December 2015.

As described in this Vary Order, the OEB approves NRWC's request.

THE PROCESS

I have decided, pursuant to section 6(4) of the *Ontario Energy Board Act, 1998* (the Act), to review and vary the Decision and Order, without a hearing.

THE APPLICATION

On July 3, 2014, the OEB granted NRWC leave to construct transmission facilities in Haldimand County and the Niagara Region. The Decision and Order provided, in part, as follows:

Pursuant to section 92 of the Act, the Board grants Niagara Region Wind Corporation leave to construct the proposed Transmission Facilities in accordance with the Board's Decision in this proceeding. The Board's approval of the application is conditional on the existence of a FIT contract between the Applicant and the OPA, the fulfillment of the requirements of the SIA and CIA and the Applicant commencing construction within 12 months of the date of the Board's Decision. *Emphasis added.*

On June 19, 2015, NRWC requested that an extension of the construction-commence deadline be granted to mid-December, 2015. NRWC advised that the extension is

needed as it is anticipated that construction of the transmission facilities will not commence by July 3, 2015. NRWC further stated that the project has encountered delays including the Renewable Energy Approval process taking longer than originally expected.

OEB FINDINGS

I find that NRWC's request for a delayed start to the construction of the transmission facilities is reasonable given that the extension-period is relatively brief and NRWC remains committed to the other conditions of approval stipulated in the Decision and Order. I have decided to vary the Decision and Order to provide for an extension of the construction-commence deadline by six months.

IT IS ORDERED THAT:

1. The Decision and Order in EB-2013-0203, issued July 3, 2014, is varied such that NRWC's leave to construct is conditional upon NRWC commencing construction within 18 months of the date of the Decision and Order.

DATED at Toronto, June 26, 2015

ONTARIO ENERGY BOARD

Original signed by

Peter Fraser
Vice President, Industry Operations & Performance