



EB-2015-0220
EB-2015-0221

IN THE MATTER OF the *Ontario Energy Board Act, 1998*, S.O.1998, c. 15, Schedule B;

AND IN THE MATTER OF applications by TA Kent Breeze Inc. on behalf of TA Kent Breeze Limited Partnership and Suncor Energy Products Inc. for an Electricity Generation Licence and Licence Amendment.

By delegation, before: Peter Fraser

ORDER

TA Kent Breeze Inc. on behalf of TA Kent Breeze Limited Partnership and Suncor Energy Products Inc. filed applications with the Ontario Energy Board under section 60 and section 74 of the *Ontario Energy Board Act, 1998* (the "Act") for an Electricity Generation Licence and an amendment to an Electricity Generation Licence, respectively. Due to the related nature of the applications the proceeding has been combined pursuant to section 21(5) of the Act.

As a result of an asset purchase agreement, the applicants applied to amend Suncor Energy Products' licence EG-2007-0015 to remove two generation facilities from its Schedule 1 and include the facilities on TA Kent Breeze Inc.'s new electricity generation licence. The two wind generation facilities with a nameplate capacity of 10 MW are the Kent Breeze Project and the MacLeod Windmill Project. The facilities were contracted under the Renewable Energy Standard Offer Program ("RESOP").

The asset purchase is scheduled to close on or about September 1, 2015. The applicants state that they are providing notice of the transaction prior to closing in order to obtain all necessary consents.

I have considered the application without holding a hearing pursuant to section 6(4) of the Act.

I find that the applications should be granted. However, I find that the granting of the application should be conditioned.

For generation licence applicants who will be operating under a RESOP contract with the Independent Electricity System Operator ("IESO"), proof of transfer of the contract with the IESO are part of the evidence that must be filed with the Board. When generation assets are transferred to unlicensed entities, the Board generally requires the applicant to obtain confirmation from the IESO of the transfer of the contracts to the new entity before the licence is granted or transferred.

The applicant has informed the Board that it does not yet have the confirmation of the transfer of contracts from the IESO. However, the applicant indicated that it needs to gain approval for the transfer of assets by September 1, 2015 to secure all necessary approvals in time for closing to take place.

I have agreed to approve the amendment of the licence pending the confirmation of the asset purchase agreement and transfer of contracts.

IT IS ORDERED THAT:

1. The application for amendment to Schedule 1 of Suncor Energy Products Inc.'s Electricity Generation Licence EG-2007-0015 is granted pending confirmation in writing that the IESO has assigned the RESOP contract and generation assets presently held by Suncor Energy Products Inc to TA Kent Breeze Inc. on behalf of TA Kent Breeze Limited Partnership.
2. The application for an Electricity Generation licence to TA Kent Breeze Inc. on behalf of TA Kent Breeze Limited Partnership is granted on such conditions as are contained in the attached licence and pending confirmation in writing that the IESO has assigned the RESOP contract and generation assets presently held by Suncor Energy Products Inc. to TA Kent Breeze Inc. on behalf of TA Kent Breeze Limited Partnership.

DATED at Toronto, August 13, 2015

ONTARIO ENERGY BOARD

Original signed by

Peter Fraser
Vice President, Industry Operations & Performance