



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

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## **ORDER**

**EB-2016-0280**

### **1721027 ONTARIO INC. (OPERATING AS BECKER CO-GENERATION PLANT)**

**Application for Transfer of Electricity Generation Licence EG-2007-0939**

**BY DELEGATION, BEFORE: Peter Fraser**  
Vice President,  
Consumer Protection & Industry Performance

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**September 21, 2016**

## ORDER

1721027 Ontario Inc. (operating as Becker Co-Generation Plant) filed an application dated September 20, 2016 under section 18 (2) of the *Ontario Energy Board Act, 1998* (OEB Act) for leave to transfer Electricity Generation Licence EG-2007-0939 to Hornepayne Power Inc.

1721027 Ontario Inc. (operating as Becker Co-Generation Plant) is licensed by the OEB as a Renewable Energy Standard Offer Program (“RESOP”) participant to own and operate the 9.8 MW Biomass generation facility located in Hornepayne, Ontario. 1721027 Ontario Inc. is subject to a court-supervised restructuring process which commenced on February 2, 2016. As a result of the court-supervised restructuring process 1721027 Ontario Inc. was sold to Hornepayne Power Inc. The sale was approved by the court on September 16, 2016 and the close of the sale is scheduled for September 30, 2016.

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

I find that the application should be granted. The evidence in the application indicates that sale of the assets to Hornepayne Power Inc. will have no impact on the location or operation of the existing facility. Once the sale transaction is complete, Hornepayne Power Inc. will continue to own and operate the generation facility with no disruption to the business.

However, I find that the granting of the application to transfer the licence should be conditioned. For generation licence applicants who operate under a RESOP contract with the former Ontario Power Authority and now the Independent Electricity System Operator (IESO), proof of signing of a procurement contract is part of the evidence that must be filed with the OEB. At present, 1721027 Ontario Inc. holds the RESOP contract with the IESO. When generation assets are transferred to unlicensed entities, the OEB generally requires the applicant to obtain confirmation from the IESO of the transfer of the contract to the new entity before the licence is granted or transferred. However, the IESO will only finalize the transfer of the RESOP contract on the closing date of the transaction. In order to allow for the completion of the transaction in an orderly fashion, the OEB will approve the transfer of the generation licence with a delayed effective date, specifically once the IESO assigns the contract to Hornepayne Power Inc.

**IT IS ORDERED THAT:**

1. The application for leave to transfer electricity generation licence EG-2007-0939 is granted, with the following condition with respect to timing:
  - Electricity generation licence EG-2007-0939 will be transferred to Hornepayne Power Inc. once the OEB receives confirmation in writing that the IESO has assigned the RESOP contract presently held by 1721027 Ontario Inc. (operating as Becker Co-Generation Plant) to Hornepayne Power Inc.

**DATED** at Toronto September 21, 2016

**ONTARIO ENERGY BOARD**

*Original signed by*

Peter Fraser  
Vice President, Consumer Protection & Industry Performance