



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

ORDER

EB-2016-0368/EB-2016-0369

H2O POWER HOLDING LIMITED PARTNERSHIP

**Applications for an Electricity Retailer Licence & an Electricity
Generation Licence**

BY DELEGATION, BEFORE: Brian Hewson
Vice President, Consumer Protection &
Industry Performance

January 12, 2017

ORDER

H2O Power Holding Limited Partnership filed two applications dated December 13, 2016 under section 60 of the *Ontario Energy Board Act, 1998* (OEB Act) for an Electricity Retailer Licence as an Agent Only and an Electricity Generation Licence. The retailer licence would allow the applicant to act as an agent or broker in the sale or offering of sale of electricity in Ontario. The generation licence would allow the applicant to generate electricity through the facilities listed on Schedule 1 of its licence.

Due to an internal restructuring, H2O Power Holding Limited Partnership applied for an electricity generation licence to include the operation of the eight facilities listed on the Schedule 1 of its affiliate, H2O Power Limited Partnership's Electricity Generation Licence EG-2004-0124. The applicant requested that its affiliate's licence be amended to remove the operation of these facilities. H2O Power Limited Partnership would continue to own the facilities after the corporate restructuring.

H2O Power Holding Limited Partnership applied for an electricity retailer licence for the purposes of servicing, as an agent only, the customers of its affiliate, H2O Power Limited Partnership, through its affiliate's Electricity Retailer Licence ER-2016-0289.

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

I find that the applications should be granted. The evidence in the application indicates that the internal corporate restructuring will have no impact on the location or operation of the existing facilities, with no disruption to the business. The applicant is an affiliate of an existing licensed retailer and will be retailing as an agent, only to the affiliate's customers. The applicant provided the necessary financial, technical and conduct information to be licensed as an electricity retailer and generator.

However, I find that the granting of the licences should be conditioned. With issuance of licences in the event of a corporate re-structuring, the OEB generally requires the applicant to file written confirmation of the completion of the internal restructuring with the OEB. The OEB will approve the issuance of the licences, and the amendment of the existing licence of the affiliate with a delayed effective date, specifically once the applicant files, in writing, confirmation of the completion of the corporate re-structuring.

IT IS ORDERED THAT:

1. The applications for an electricity retailer licence and electricity generation licence are granted, with the following condition with respect to timing:

- Electricity Retailer Licence ER-2016-0368 will be granted to H2O Power Holding Limited Partnership once the OEB receives confirmation, in writing, that the corporate re-structuring has taken place;
- Electricity Generation Licence EG-2016-0369 will be granted to H2O Power Holding Limited Partnership once the OEB receives confirmation, in writing, that the corporate re-structuring has taken place;
- H2O Power Limited Partnership's Electricity Generation Licence EG-2004-0124 is amended to remove the operator qualification on all eight of the generation facilities listed on Schedule 1 of the licence once the OEB receives confirmation, in writing, that the corporate re-structuring has taken place. The operation of the eight facilities will be included on Schedule 1 of H2O Power Holding Limited Partnership's Electricity Generation Licence EG-2016-0369.

DATED at Toronto January 12, 2017

ONTARIO ENERGY BOARD

Original signed by

Brian Hewson
Vice President, Consumer Protection & Industry Performance