



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

ORDER

EB-2017-0329

AXIUM INFINITY SOLAR LP

Application for an Electricity Generation Licence

EB-2017-0330

TRANSCANADA ENERGY LTD.

**Application for an Electricity Generation Licence
Amendment**

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

November 30, 2017

Order

Axiom Infinity Solar LP (Axiom) filed an application on October 26, 2017 under section 60 of the *Ontario Energy Board Act, 1998* (OEB Act) for an electricity generation licence as the new owner of eight ground-mount solar generation facilities.

On October 27, 2017, TransCanada Energy Ltd. (TransCanada) filed an application under section 74 of the OEB Act to amend its electricity generation licence EG-2009-0024. TransCanada applied to amend Schedule 1 of its licence to remove five facilities that will be owned and operated by Axiom and to amend authorization for three facilities from “owner and operator” to “operator”.

The OEB combined the applications into one proceeding, pursuant to section 21(5) of the OEB Act.

As stated in the applications, the applicants have entered into an asset purchase agreement whereby TransCanada agreed to sell and Axiom agreed to purchase the following eight solar generation facilities:

Brockville 1 Solar;
Brockville 2 Solar;
Burritts Rapids Solar;
Liskeard 1 Solar;
Liskeard 3 Solar;
Liskeard 4 Solar;
Mississippi Mills Solar; and
William Rutley Solar.

All of these facilities are currently owned and operated by TransCanada under the Feed-in Tariff contracts with the Independent Electricity System Operator (IESO). The applicants stated that until such time that Axiom is in a position to operate all eight facilities, TransCanada would continue to operate Liskeard 1 Solar, Liskeard 3 Solar and Liskeard 4 Solar. Remaining five facilities will be owned and operated by Axiom immediately after the closing of the sale transaction.

For the applicants who are applying for an electricity generation licence as a FIT program participant, proof of signing of a procurement contract with the IESO and a

Notice to Proceed are part of the evidence that must be filed with the OEB. When an unlicensed entity is purchasing the generation facilities from the entity that holds the IESO's FIT contracts and Notices to Proceed, the OEB 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. However, the IESO will only execute the Consent, Assumption and Acknowledgement agreements on the closing date of the commercial transaction. To allow completion of the transaction in an orderly fashion, Axiom proposed that the OEB's approval of its licence application be made conditional on the IESO's assignment of the FIT procurement contracts to Axiom Infinity Solar LP. The OEB finds this proposal has merit.

The OEB will amend TransCanada's licence EG-2009-0024 when the OEB receives confirmation from TransCanada that the commercial transaction has closed, and the licence amendment will be effective from the date of closing.

This Order is being issued by Delegated Authority, pursuant to Section 6 of the OEB Act. The Delegated Authority has considered the applications without holding a hearing pursuant to section 6(4) of the OEB Act.

IT IS ORDERED THAT:

1. Axiom Infinity Solar LP's application for an electricity generation licence is granted.
2. The licence will take effect on the date upon which Axiom Infinity Solar LP files with the OEB executed copies of the IESO's Consent, Assumption and Acknowledgement agreements in respect of each transferred facility and a written confirmation that the commercial transaction has closed.
3. Schedule 1 of TransCanada Energy Ltd.'s electricity generation licence EG-2009-0024 will be amended to remove Brockville 1 Solar; Brockville 2 Solar; Burritts Rapids Solar; Mississippi Mills Solar; and William Rutley Solar generation facilities from the licence, and to remove the "owner" qualification for Liskeard 1 Solar, Liskeard 3 Solar and Liskeard 4 Solar generation facilities.
4. The licence amendment will take effect on the date the OEB receives a written confirmation that the commercial transaction has closed.

DATED at Toronto November 30, 2017

ONTARIO ENERGY BOARD

Original Signed By

Brian Hewson
Vice President, Consumer Protection & Industry Performance