



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

DECISION AND ORDER

EB-2017-0360

INDEX ENERGY MILLS ROAD CORPORATION

**Application for leave to transfer electricity generation licence
EG-2008-0013 from Index Energy Mills Road Corporation to Index Energy
Ajax Corporation**

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

January 11, 2018

DECISION AND ORDER

On December 1, 2017, Index Energy Mills Road Corporation applied for leave of the Ontario Energy Board (OEB) pursuant to section 18(2) of the *Ontario Energy Board Act, 1998* (OEB Act) to transfer an electricity generation licence EG-2008-0013 from Index Energy Mills Road Corporation (Index Mills Road) to Index Energy Ajax Corporation (Index Ajax).

Index Mills Road is a holder of an electricity generation licence EG-2008-0013 issued by the OEB on May 7, 2008. The licence authorizes Index Mills Road to own and operate the Ajax Steam Plant generation facility. The facility has been operational since 2014 and its generation output is sold to the Independent Electricity System Operator (IESO) under the Feed-in Tariff (FIT) contract.

In accordance with the asset purchase agreement between Index Mills Road and Index Residence AB, Index Ajax's parent, dated September 1, 2017, all assets and property of Index Mills Road used in connection with the facility will be transferred to Index Ajax.

This Decision and Order is being issued by Delegated Authority, pursuant to Section 6 of the OEB Act.

The application to transfer an electricity generation licence EG-2008-0013 is granted. The evidence in the application indicates that the transfer of the assets to Index Ajax will have no impact on the location or operation of the Ajax Steam Plant facility. However, the granting of the application to transfer the licence should be conditioned. For generation licence applicants who will be operating under a FIT contract with the IESO, 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. At present, Index Mills Road holds the FIT contract and related Notice to Proceed. 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 applicant has informed the OEB that the IESO requires a confirmation of the OEB's leave to transfer the licence to Index Ajax in order for the FIT contract's assignment to take effect. To allow completion of the transaction in an orderly fashion, the applicant proposed that the OEB's approval of the transfer of the

generation licence be made conditional on the IESO's assignment of the FIT procurement contract to Index Ajax. The OEB finds this proposal has merit.

IT IS ORDERED THAT:

The application to transfer the electricity generation licence is granted, subject to the following condition respecting timing:

- Electricity generation licence EG-2008-0013 will be transferred to Index Energy Ajax Corporation once the OEB receives confirmation in writing that the IESO has assigned the FIT contract presently held by Index Energy Mills Road Corporation to Index Energy Ajax Corporation.

DATED at Toronto January 11, 2018

ONTARIO ENERGY BOARD

Original Signed By

Brian Hewson
Vice President, Consumer Protection & Industry Performance