



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

DECISION AND ORDER

EB-2018-0217

WPD WHITE PINES WIND INCORPORATED

Application for an Electricity Generation Licence (Feed-in Tariff Program)

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

November 1, 2018

Introduction and Summary

On June 26, 2018, Wpd White Pines Wind Incorporated (White Pines) filed an application for an electricity generation licence, using the form of application applicable to projects that will generate electricity for sale under the Feed-in Tariff (FIT) program. The application was filed under section 60 of the *Ontario Energy Board Act, 1998* (OEB Act), and was assigned file number EB-2018-0217.

The application has been considered without a hearing under section 6(4) of the OEB Act by a delegated authority. For the reasons set out in this Decision and Order, the Ontario Energy Board (OEB) denies White Pines' application for a generation licence.

The White Pines Application

White Pines' application is for a generation licence that would enable White Pines to generate electricity for sale under the FIT program. The generation facilities that are the subject of the application are wind turbines that would be located in Prince Edward County (White Pines Wind Project).

The form of application for a generation licence for FIT program participants was developed by the OEB to streamline the licensing process given that the Independent Electricity System Operator (IESO) will have conducted its own review of the qualifications of the project proponent. For that reason, the form may only be used by an applicant that has entered into a contract with the IESO under the FIT program and has received a "Notice to Proceed" from the IESO for the facilities. The White Pines application confirmed that a contract had been entered into with the IESO under the FIT program, and included a copy of the Notice to Proceed issued on May 11, 2018 by the IESO for the White Pines Wind Project.

White Pines Wind Project Termination Act, 2018

The *White Pines Wind Project Termination Act, 2018* received Royal Assent on July 25, 2018, and it came into force on that day. This legislation provides for the termination of the White Pines Wind Project. Among other things, the legislation:

- deems White Pines' May 4, 2010 FIT contract with the IESO to have been terminated on July 10, 2018, together with any agreements related to that contract to which the IESO and White Pines are parties
- deems the renewable energy approval issued to White Pines under the *Environmental Protection Act* to have been revoked on July 10, 2018
- includes regulation-making powers to enable the deemed revocation of other approvals, permits, instruments, contracts or agreements related to the White Pines Wind Project, effective July 10, 2018

Findings

The White Pines Wind Project that is the subject of White Pines' application for a generation licence is the project that is the subject of the *White Pines Wind Project Termination Act, 2018*. Given that legislation, White Pines no longer has a FIT program contract with the IESO. As such, White Pines no longer satisfies the OEB's criteria for the issuance of a generation licence under the FIT program, and its application is therefore denied.

IT IS ORDERED THAT:

1. White Pines' application for an electricity generation licence under the FIT program is denied.

DATED at Toronto November 1, 2018

ONTARIO ENERGY BOARD

Original Signed By

Brian Hewson
Vice President, Consumer Protection & Industry Performance