



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

DECISION AND ORDER

EB-2020-0243

KRUGER ENERGY INC.

**Application for leave to transfer electricity generation licence
EG-2010-0151 from Kruger Energy Inc. to Kruger Energy LP**

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

October 29, 2020

DECISION AND ORDER

On October 6, 2020, Kruger Energy Inc. 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 electricity generation licence EG-2010-0151 from Kruger Energy Inc. (KEI) to Kruger Energy LP (KELP).

KEI was issued electricity generation licence EG-2010-0151 on July 9, 2010. The licence authorizes KEI to operate two wind generation facilities, a 101.2 MW Kruger Port Alma Wind Farm¹ and a 99.4 MW Kruger Chatham Wind Farm². Both facilities operate under Renewable Energy Standard Offer Program (RESOP) procurement contracts with the Independent Electricity System Operator (IESO).

KEI is a wholly-owned direct subsidiary of Kruger Inc. which operates the renewable energy division of the Kruger group. As part of an internal corporate reorganization, KEI proposes to transfer the two generating facilities operations to KELP, a new limited partnership formed on December 12, 2019, that will after completion of the reorganization be a wholly-owned subsidiary of Kruger Inc. KEI stated in the application, that after closing of the reorganization, KELP will continue all current business activities of KEI, with the same assets, resources and employees. As the generation facilities operate under RESOP contracts with the IESO, the applicant stated that the required IESO agreements that consent to the transfer have been obtained and are being held in escrow pending closing of the reorganization.

This Decision and Order is being issued by the Delegated Authority without holding a hearing pursuant to section 6(4) of the OEB Act.

The OEB finds that the application should be granted. The evidence in the application indicates that the transfer of the operation of the generation facilities to KELP will have no impact on the operation of the subject facilities. As the transfer of KEI's assets to KELP has not yet closed, the OEB's approval of the transfer of the licence will take effect once the applicant files with the OEB written confirmation of the closing of the reorganization transaction.

¹ Owned by Kruger Energy Port Alma Limited Partnership under the authority of its electricity generation licence EG-2008-0027.

² Owned by Kruger Energy Chatham Limited Partnership under the authority of its electricity generation licence EG-2010-0203.

IT IS ORDERED THAT:

The application to transfer electricity generator licence EG-2010-0151 to Kruger Energy LP is granted. The transfer of the licence will become effective once the OEB receives confirmation in writing of the closing of the reorganization.

DATED at Toronto October 29, 2020

ONTARIO ENERGY BOARD

Original Signed By

Brian Hewson
Vice President, Consumer Protection & Industry Performance