



Ontario
Energy
Board

Commission
de l'énergie
de l'Ontario

DECISION AND ORDER

EB-2020-0254

SWNS WIND LP

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

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

December 17, 2020

DECISION AND ORDER

SWNS Wind LP (SWNS) filed an application with the Ontario Energy Board (OEB) on October 28, 2020 under section 60 of the Ontario Energy Board Act, 1998 (OEB Act) for an electricity generation licence as a Feed-in Tariff (FIT) program participant.

SWNS is a special purpose entity that, through a series of commercial transactions, is acquiring four wind generation facilities currently owned and operated by four separate entities licensed by the OEB¹. All of the subject facilities are currently operating under separate FIT contracts with the Independent Electricity System Operator (IESO). After the completion of the commercial transactions, all four FIT contracts will be assigned to SWNS. The applicant submitted the IESO Consent, Assumption and Acknowledgement Agreement that confirms that the IESO will transfer the contracts to the applicant upon the closing of the commercial transactions.

For the FIT contracts to be transferred to the applicant, the IESO requires a confirmation of the OEB's approval of SWNS's licence application. To allow completion of the transaction in an orderly fashion, the applicant proposed that the OEB's approval of the generation licence be made conditional on the IESO's assignment of the FIT contracts to SWNS.

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

The OEB finds that the application is approved and issuing a licence to the applicant is in the public interest. However, as the commercial transactions to purchase the subject generation facilities have not yet been finalized, and given the FIT contracts have not yet been assigned, the OEB's approvals in this Decision and Order shall not take effect until the applicant files written evidence with the OEB confirming the closing of the transactions and assignment of the FIT contracts by the IESO to SWNS. Concurrently with the issuance of the licence to SWNS, the licences issued to the existing owners and operators of the four generation facilities: wpd Springwood Wind Incorporated, wpd Whittington Wind Incorporated, wpd Napier Wind Incorporated and wpd Sumac Ridge Wind Incorporated will be cancelled.

¹ EG-2013-0327, EG-2014-0127, EG-2015-0239 and EG-2016-0345

IT IS ORDERED THAT:

1. The application by SWNS Wind LP for an electricity generation licence is granted.
2. The grant of licence in paragraph 1 shall not take effect until the applicant advises the OEB, in writing, that the commercial transactions described in their application, and summarized in the Decision and Order, have closed.
3. Subject to paragraphs 1 and 2, the licences of wpd Springwood Wind Incorporated, wpd Whittington Wind Incorporated, wpd Napier Wind Incorporated and wpd Sumac Ridge Wind Incorporated will be cancelled.

DATED at Toronto December 17, 2020

ONTARIO ENERGY BOARD

Original Signed By

Brian Hewson
Vice President, Consumer Protection & Industry Performance