

DECISION AND ORDER

**EB-2021-0295/EB-2021-0298/
EB-2021-0320/EB-2021-0321/
EB-2021-0331/EB-2021-0329**

ATLANTIC POWER SERVICES CANADA LP

ATLANTIC POWER LIMITED PARTNERSHIP

Applications for an Electricity Generation Licence Amendments and

BAY POWER CORP.

KAP POWER CORP.

**Applications for Electricity Generation Licences and Electricity
Retailer Large Volume Consumers Only Licences**

BY DELEGATION,

BEFORE: Brian Hewson
Vice President
Consumer Protection & Industry Performance

February 10, 2022

Decision and Order

Atlantic Power Services Canada LP (Atlantic Power Services) and Atlantic Power Limited Partnership (Atlantic Power Limited) filed applications on December 3, 2021, with the Ontario Energy Board (OEB) pursuant to section 74 of the *Ontario Energy Board Act, 1998* (OEB Act), to amend electricity generation licences EG-2003-0096 and EG-2011-0348. Bay Power Corp. (Bay Power) and Kap Power Corp. (Kap Power) each filed applications with the OEB on December 14, 2021, under section 60 of the OEB Act for electricity generation licences and electricity retailer (large volume consumers only) licences.

Given the related nature of the transactions involved in the applications, the OEB combined the applications into one proceeding, pursuant to section 21(5) of the OEB Act. This Decision and Order is being issued by the Delegated Authority without a hearing pursuant to section 6(4) of the OEB Act.

In their applications to amend electricity generation licences EG-2003-0096 (Atlantic Power Limited) and EG-2011-0348 (Atlantic Power Services), Atlantic Power Limited and Atlantic Power Services are seeking an amendment to remove specific generation facilities listed in Schedule 1 of the licences: Kapuskasing Power Plant with an installed capacity of 61.4 MW located at 47 Gough Road, Kapuskasing, Ontario and North Bay Power Plant with an installed capacity of 61.4 MW located at 4001 Highway 11 North, North Bay, Ontario. Atlantic Power Limited is licenced to own the Kapuskasing Power Plant and the North Bay Power Plant and Atlantic Power Services is licenced to operate the generation facilities.

Atlantic Power Limited and Atlantic Power Services explain the request to amend their respective licences is the result of a transaction between Atlantic Power Limited and Atlantic Power Services and Validus Power Corporation (Validus Power) that resulted in a transfer of ownership of the facilities to Validus. As a result of the transaction, Validus Power proposes that its subsidiary Kap Power will become the owner and operator of the Kapuskasing Power Plant, while its subsidiary Bay Power will become the owner and operator of North Bay Power Plant. Kap Power has applied for a licence to authorize the ownership and operation of the Kapuskasing Power Plant. Bay Power has applied for a licence to authorize the ownership and operation of the North Bay Power Plant.

With regard to the applications by Kap Power and Bay Power for electricity retailers (large volume consumers only) licences, both applicants state that they intend to sell the electricity to a large volume consumer located on the same property as their respective

licensed generation facility which would also be the source of the retailed electricity. Kap Power and Bay Power provided the necessary financial and technical information to demonstrate that they may be licensed as electricity generators and electricity retailers (large volume consumers only).

After considering the evidence filed by the applicants, the OEB finds that it is in the public interest to approve the applications of Atlantic Power Limited, Atlantic Power Services, Kap Power and Bay Power.

IT IS ORDERED THAT:

1. Atlantic Power Limited Partnership's application to amend Schedule 1 of its electricity generation licence EG-2003-0096 is approved. The amended licence is attached to this Decision and Order.
2. Atlantic Power Service Canada LP's application to amend Schedule 1 of its electricity generation licence EG-2011-0348 is approved. The amended licence is attached to this Decision and Order.
3. The applications by Bay Power Corp. for an electricity generation licence and an electricity retailer (large volume consumers only) licence is approved on such conditions as are contained in the attached licences.
4. The applications by Kap Power Corp. for an electricity generation licence and an electricity retailer (large volume consumers only) licence is approved on such conditions as are contained in the attached licences.

DATED at Toronto, February 10, 2022

ONTARIO ENERGY BOARD

Original Signed By

Brian Hewson
Vice President, Consumer Protection & Industry Performance