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BY EMAIL and RESS

Ms. Nancy Marconi, Registrar
Ontario Energy Board
PO Box 2319
2300 Yonge St., Suite 2700
Toronto, ON M4P 1E4

Dear Ms. Marconi

**Re: EO Generation LP (“EO Gen”) and Canadian Hydro Developers, Inc. (“CHDI”)
Joint Application to Amend Licences EG-2012-0091 and EG-2003-0134
OEB File Nos. EB-2022-0306/EB-2022-0307**

We have been retained by EO Gen in relation to the above noted matter. On November 16, 2022, EO Gen and CHDI (together the “**Parties**”) filed a joint application to amend licences EG-2012-0091 and EG-2003-0134 in respect of a transaction that had a tentative closing date of November 30, 2022 (“**Application**”).

Related to the Application, the OEB issued a letter on November 14, 2022 in EB-2022-0284 informing EO Gen that, having considered the criteria under section 82 of the *Ontario Energy Board Act, 1998*, the OEB did not intend to issue a notice of review of the proposal in respect of the acquisition of two hydroelectric facilities in Ontario.

On November 29, 2022, the Ontario Energy Board (“**OEB**”) issued Decision and Order EB-2022-0306/EB-2022-0307 approving the licence amendments with an effective date of November 29, 2022 (“**Decision**”). For the reasons that follow, EO Gen is filing this letter pursuant to section 40 and 42 of the *Ontario Energy Board Rules of Practice and Procedure* requesting the OEB to review all or part of the Decision, and to vary the Decision. There are new facts, as set out below, that have arisen since the Decision was issued that, had they been available at the time of the proceeding to which the motion relates, would have resulted in a material change to the Decision.

The closing of the transaction subject of EB-2022-0306/EB-2022-0307 is now delayed several days as the Parties cannot obtain the necessary consents from third parties by the closing date. While these third party consents are expected to be obtained shortly, these circumstances were largely outside the control of the Parties. As such, EO Gen’s interests are materially harmed by the Decision as EO Gen holds a generating licence for a facility it does not yet own.

Similar to the OEB's decision in EB-2022-0006, EO Gen is requesting that the Decision be varied to include the following terms to provide for a flexible closing date:

1. EO Gen and CHDI shall notify the OEB of the completion of the transaction contemplated in EB-2022-0284.
2. Once the notice referred to in paragraph 1 has been provided to the OEB, the OEB will issue the amended Electricity Generation Licences to EO Gen and CHDI effective as of the closing date of the transaction.
3. That the December 3, 2015 version of Licence EG-2012-0091 issued to EO Gen remain in effect until the amended Electricity Generation Licences are issued in accordance with paragraph 2.
4. That the August 30, 2015 version of Licence EG-2003-0134 issued to CHDI remain in effect until the amended Electricity Generation Licences are issued in accordance with paragraph 2.

We sincerely appreciate the OEB accommodating the timeline requested by the Parties' in the Decision and request that this request for review be dealt with on an expedited basis.

Please contact the undersigned with any questions.

Yours truly,



Colm Boyle

cc: Canadian Hydro Developers, Inc.
Brian Hewson, Vice President, Consumer Protection & Industry Performance, OEB