



Ontario
Energy
Board | Commission
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BY EMAIL

RegulatoryAffairs@hydroottawa.com

December 12, 2022

April Barrie
Director, Regulatory Affairs
EO Generation LP by its general partner EO Generation GP Inc.
2711 Hunt Club Road
PO Box 8700
Ottawa ON K1G 3S4

Dear Ms. Barrie:

**Re: EO Generation LP by its general partner EO Generation GP Inc.
Application for an Electricity Generation Licence
OEB File Number EB-2022-0306**

On November 29, 2022, the Ontario Energy Board (OEB) issued a [Decision and Order](#) amending the generation licence held by EO Generation LP by its general partner EO Generation Inc. (EO Generation) and the generation licence held by Canadian Hydro Developers, Inc. (CHDI).

The purpose of this letter is to advise that the OEB has considered and will be taking no further action in respect of, the new information that was filed by the applicants subsequent to the issuance of the Decision and Order.

As you are aware, the Decision and Order followed the acquisition of EO Generation purchasing two hydroelectric generating stations currently owned and operated by CHDI. The Decision and Order amended the subject licences by adding two facilities to Schedule 1 of EO Generation's electricity generation licence EG-2012-0091 and by removing the two facilities from Schedule 1 of CHDI's electricity generation licence EG-2003-0134.

On December 1, 2022, EO Generation filed a letter with the OEB. The letter advised that the transaction that would lead to the transfer of the two generating facilities from CHDI to EO Gen did not occur on November 30, 2022, which is the date the applicants had specified in their applications. EO Generation stated that holding the licence with the two facilities when the transaction had not closed, was affecting its interests. Recent

correspondence from the applicant's state that the transaction did close on December 2, 2022.

The applicants are reminded of the onus to provide complete and accurate information to the OEB in relation to an application and to ensure that any changed circumstances are brought forward promptly. In this case, the electricity generation licence amendment applications, which was only filed on November 16, 2022, stated the transaction was to close on November 30, 2022, and that the applicants, therefore, required the amended licences by that date. The applicants also followed up with OEB staff on November 23, 2022, and November 24, 2022, reminding staff of the closing date and the need for the amended licences. The OEB took steps to expedite the processing of the application in order to meet the applicants' deadline and were not informed until after the Decision and Order was issued that the transaction had not yet closed.

The OEB has considered the applicant's December 1, 2022, letter and subsequent correspondence. The OEB does not find it necessary to amend the Decision and Order, as issued on November 29, 2022, and will not carry out any compliance action in respect of the November 29, 2022, to December 2, 2022 period. The parties are reminded, however, that the confusion and expense could have been avoided had they notified the OEB upon becoming aware that their transaction was not going to close on November 30, 2022, as originally claimed.

Thank you,

Brian Hewson
Vice President, Consumer Protection & Industry Performance

Cc: Colm Boyle, Borden Ladner Gervais
Vincent Light, TransAlta Corporation