



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

DECISION AND ORDER

EB-2023-0213

RESOLUTE FP CANADA INC.

Application by Resolute FP Canada Inc. to transfer its authorization under electricity generation licence EG-2003-0204 to Thunder Bay Pulp and Paper Inc. (Thunder Bay Pulp).

EB-2023-0216

THUNDER BAY PULP AND PAPER INC.

Application for an Electricity Generation Licence

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

July 31, 2023

DECISION AND ORDER

On July 19, 2023, Resolute FP Canada Inc. (Resolute) applied for leave of the Ontario Energy Board (OEB) pursuant to section 18(2) *Ontario Energy Board Act, 1998* (OEB Act) to transfer its authorization under electricity generation licence No. EG-2003-0204 to Thunder Bay Pulp and Paper Inc. (Thunder Bay Pulp).

Thunder Bay Pulp filed a complete application on July 19, 2023, with the Ontario Energy Board (OEB) pursuant to section 60 of the *Ontario Energy Board Act, 1998* (OEB Act), for an electricity generation licence.

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.

Resolute has been licensed by the OEB, since 2007, to own and operate the Westcoast Power Holdings Cogen Plant Generating Station, located at the Town of Fort Frances, District of Rainy River, Ontario, and the Thunder Bay Condensing Turbine Project located in Thunder Bay, Ontario, under electricity generation licence EG-2003-0204, which is set to expire on October 28, 2023.

On May 26, 2023, Resolute entered into an asset purchase agreement to sell its pulp and paper mill and all assets related to the mill, including the Thunder Bay Condensing Turbine Project to Thunder Bay Pulp. Resolute has stated that the closing of the commercial transaction is expected to be conducted on August 1, 2023, and has requested the OEB issue a Decision and Order approving the transfer by August 1, 2023.

Resolute has also stated that the Westcoast Power Holdings Cogen Plant and Generating Station, that it is authorized to own and operate, is no longer in operation.

With its request for leave to transfer, Resolute has requested that the OEB cancel EG-2003-0204 upon closure of the transaction. Resolute has also stated that a written confirmation of the completed transaction will be submitted to the OEB.

The evidence filed with the application states that, following the closing of the transaction, Thunder Bay Pulp will own and operate the Thunder Bay Condensing Turbine Project and will be responsible for all ongoing business activities of the facility.

Thunder Bay Pulp has stated that it has met the IESO's prudential requirements and requires an OEB electricity generation licence to begin participating in the IESO-administered market.

Based on the evidence submitted and after reviewing the technical capability and financial viability of Thunder Bay Pulp, the OEB finds that it is in the public interest to approve the application and issue an electricity generation licence to Thunder Bay Pulp and Paper Inc., once the OEB receives written confirmation from Thunder Bay Pulp that the transaction has been completed.

With the approval of a licence for Thunder Bay Pulp, the OEB finds that the transfer of the Resolute licence to Thunder Bay Pulp is unnecessary. The evidence is that the transfer would not come into effect until the transaction has closed, as confirmed by Thunder Bay Pulp, which is the same point in time that its new licence will come into force with authorization to own and operate the Thunder Bay Condensing Turbine Plant. Further, Resolute has confirmed that it wishes to cancel the licence once the transaction closes as the other facility authorized under its generator licence is no longer in operation. The OEB agrees that Resolute's electricity generator licence will be cancelled once the transaction is completed.

IT IS THEREFORE ORDERED THAT:

1. The application by Thunder Bay Pulp and Paper Inc. for an electricity generation licence is granted on such conditions that will be contained in the electricity generation licence.

The electricity generation licence will be issued to Thunder Bay Pulp and Paper Inc., once the OEB receives written confirmation that the transaction has been completed.

2. The electricity generation licence EG-2003-0204 will be cancelled, once Resolute FP Canada Inc. files with the OEB written confirmation that the transaction has been completed.

DATED at Toronto July 31, 2023

ONTARIO ENERGY BOARD

Brian Hewson
Vice President, Consumer Protection & Industry Performance