

APPENDIX A

Notice of Proposal under Sections 80 and 81 of the *Ontario Energy Board Act, 1998*

Ontario Energy Board
Preliminary Filing Requirements
For a Notice of Proposal under Sections 80 and 81
Of the *Ontario Energy Board Act, 1998*

INSTRUCTIONS:

This form applies to all applicants who are providing a Notice of Proposal to the Ontario Energy Board (the "Board") under sections 80 and 81 of the *Ontario Energy Board Act, 1998* (the "Act"), including parties who are also, as part of the same transaction or project, applying for other orders of the Board such as orders under sections 86 and 92 of the Act.

The Board has established this form under section 13 of the Act. Please note that the Board may require information that is additional or supplementary to the information filed in this form and that the filing of the form does not preclude the applicant from filing additional or supplementary information.

PART I: GENERAL MINIMUM FILING REQUIREMENTS

All applicants must complete and file the information requested in Part I.

1.1 Identification of the Parties

1.1.1 Applicant

Name of Applicant Windsor Canada Utilities Ltd.	File No: (Board Use Only)	
Address of Head Office 4545 Rhodes Drive PO Box 1625 Station A Windsor ON, N8W 5T1	Telephone Number 519 251 7300	
	Facsimile Number 519 255 7423	
	E-mail Address regulatory@enwin.com	
Name of Individual to Contact Garry Rossi President & CEO	Telephone Number 519 251 7300 ext. 5623	
	Facsimile Number 519 255 7423	
	E-mail Address grossi@enwin.com	

1.1.2 Other Parties to the Transaction or Project

Name of Other Party E.L.K. Energy Inc.	Board Use Only	
Address of Head Office 172 Forest Ave Essex ON, N8M 3E4	Telephone Number 519 776 5291	
	Facsimile Number N/A	
	E-mail Address customer.service@elkenenergy.com	
Name of Individual to Contact Kayla Lucier Supervisor, Finance & Regulatory Farooq Hyder Acting General Manager	Telephone Number 519 776 5291 x 204 519 776 5291 x 213	
	Facsimile Number N/A	
	E-mail Address klucier@elkenenergy.com fhhyder@elkenenergy.com	

1.2 Relationship between Parties to the Transaction or Project

1.2.1	<p>Attach a list of the officers, directors and shareholders of each of the parties to the proposed transaction or project.</p> <p><u>Windsor Canada Utilities Ltd.</u></p> <p><u>Officers</u></p> <p>Garry Rossi; Matthew Carlini; Paul Gleason; Kris Taylor</p> <p><u>Directors</u></p> <p>Drew Dilkens; Jo-Anne Gignac; Kevin Laforet; Ed Sleiman; Jim Morrison; Jerry Udell</p> <p><u>Shareholder</u></p> <p>The Corporation of the City of Windsor</p>	
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	<p><u>E.L.K. Energy Inc.</u></p> <p><u>Officers</u></p> <p>Sherry Bondy; Robbie Shepley</p> <p><u>Directors</u></p> <p>Sherry Bondy; Robbie Shepley; Kimberly Deyong; Kate Giurissevich; John Kerr; Joseph Malandrucolo; Darren Jeff Scott; Doug Sweet</p> <p><u>Shareholder</u></p> <p>The Corporation of the Town of Essex</p>	
1.2.2	<p>Attach a corporate chart describing the relationship between each of the parties to the proposed transaction or project and each of their respective affiliates.</p> <p>Please see Appendix B of the attached MAADs Application.</p>	

1.3 Description of the Businesses of Each of the Parties

1.3.1	<p>Attach a description of the business of each of the parties to the proposed transaction or project, including each of their affiliates licenced under the OEB Act to operate in Ontario for the generation, transmission, distribution, wholesaling or retailing of electricity or providing goods and services to companies licenced under the OEB Act in Ontario ("Electricity Sector Affiliates").</p> <p>Please see section 2.1 and Appendix B of the attached MAADs Application.</p>	
1.3.2	<p>Attach a description of the geographic territory served by each of the parties to the proposed transaction or project, including each of their Electricity Sector Affiliates, if applicable, and the geographic location of all existing generation facilities.</p> <p>Please see section 2.2 of the attached MAADs Application.</p>	

1.3.3	<p>Attach a breakdown of the annual sales (in C\$, and in MWh) as of the most recent fiscal year end of the existing generation output among the IESO Administered Markets ("IAM"), bilateral contracts, and local distribution companies.</p> <p>In 2024, E.L.K. Energy Inc. had annual revenue from generation of approximately \$5,130 pursuant to a microFIT contract and gross energy output of approximately 9,614 kWh. The generated electricity was supplied to the E.L.K. Energy Inc. distribution system.</p> <p>In 2024, ENWIN Energy Ltd. had annual gross energy output of 1,141,468 kWh pursuant to a net-metering arrangement behind-the-meter.</p>	
1.3.4	<p>Attach a list identifying all relevant Board licences and approvals held by the parties to the proposed transaction or project and each of their Electricity Sector Affiliates, and any applications currently before the Board, or forthcoming. Please include all Board file numbers.</p> <p>ENWIN Utilities Ltd.</p> <ul style="list-style-type: none"> • Electricity Distribution Licence: ED-2002-0527 <p>ENWIN Energy Ltd.</p> <ul style="list-style-type: none"> • Unit Sub-metering Licence: ES-2021-0206 <p>E.L.K. Energy Inc.</p> <ul style="list-style-type: none"> • Electricity Distribution Licence: ED-2003-0015 • 2025 IRM Rate Application: EB-2024-0015 	

1.4 Current Competitive Characteristics of the Market

1.4.1	<p>Describe the generation capacity (in MW), within the Province of Ontario, of the parties to the proposed transaction or project, including each of their respective Electricity Sector Affiliates, prior to the completion of the proposed transaction or project.</p> <ul style="list-style-type: none"> • E.L.K. Energy Inc. owns solar panels with a combined installed output capacity of 10 kW. • ENWIN Energy Ltd. owns solar panels with a combined installed output capacity of 988 kW. 	
1.4.2	<p>Describe the generation market share based on actual MWh production as a percent of the Annual Primary Demand, within the Province of Ontario, of the parties to the proposed transaction or project, including each of their respective Electricity Sector Affiliates, prior to completion of the proposed transaction or project.</p> <p>According to the IESO, in 2024, the total annual Ontario energy demand was 140.4 TWh¹ (or 140,400,000 MWh).</p> <p>The actual MWh production of the above facilities in 2024 was 1,151 MWh. This represents 0.00082% of the total annual Ontario energy demand.</p>	

¹ <https://www.ieso.ca/power-data/demand-overview/historical-demand>

1.5 Description of the Proposed Transaction or Project and Impact on Competition - General

1.5.1	<p>Attach a detailed description of the proposed transaction or project, including geographic locations of proposed new transmission or distribution systems, or new generation facilities.</p> <p>Please see section 1 of the attached the MAADs Application.</p>	
1.5.2	<p>Describe the generation capacity (in MW), within the Province of Ontario, of the parties to the proposed transaction or project, including each of their respective Electricity Sector Affiliates, after the completion of the proposed transaction or project.</p> <p>The combined generation capacity will remain unchanged after completion of the proposed transaction.</p>	
1.5.3	<p>Describe the generation market share based on anticipated MWh production as a percentage of the Annual Primary Demand, within the Province of Ontario, of the parties to the proposed transaction or project, including each of their respective Electricity Sector Affiliates, after the completion of the proposed transaction or project.</p> <p>The generation market share will remain unchanged after completion of the proposed transaction.</p>	
1.5.4	<p>Attach a short description of the impact, if any, of the proposed transaction or project on competition. If there will be no impact on competition, please state the reasons. Cite specifically the impacts of the proposal on customer choice regarding generation, energy wholesalers, and energy retailers.</p> <p>The proposed transaction will not impact competition. The proposed transaction is aimed at the eventual (after Phase 2) amalgamation of two southwestern Ontario electricity distributors - ENWIN Utilities Ltd. and E.L.K. Energy Inc. The OEB has acknowledged that consolidation enables distributors to address challenges in an evolving electricity industry. The two distributors at the centre of the proposed transaction happen to own, or have affiliates that own, modest generation facilities, requiring this Notice of Proposal to be filed.</p>	
1.5.5	<p>Provide confirmation that the proposed transaction or project will have no impact on open access to the transmission or distribution system of the parties or their affiliates. If open access will be affected explain how and why.</p> <p>The proposed transaction will have no impact on open access to the transmission or distribution system of the parties or their affiliates.</p>	

1.6 Other Information

1.6.1	<p>Attach confirmation that the parties to the proposed transaction or project are in compliance with all licence and code requirements, and will continue to be in compliance after completion of the proposed transaction or project.</p> <p>To the best of the Applicant's knowledge, the parties to the proposed transaction are in compliance with all licence and code requirements, and will continue to be in compliance after completion of the proposed transaction or project.</p>	
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PART II: SECTION 80 OF THE ACT—TRANSMITTERS AND DISTRIBUTORS ACQUIRING AN INTEREST IN GENERATORS OR CONSTRUCTING A GENERATION FACILITY

All applicants filing a Notice of Proposal under section 80 of the Act must complete and file the information requested in Part II.

2.1 Effect on Competition

2.1.2	Describe whether the proposed generation output will be primarily offered into the IAM, sold via bilateral contracts, or for own use. The generation output from E.L.K. Energy Inc. generation facility is offered into E.L.K. Energy distribution system via a microFIT contract.	
2.1.3	Provide a description of the generation including fuel source, technology used, maximum capacity output, typical number of hours of operation in a year, and peaking versus base-load character. Fuel Source: Solar Technology Used: Solar PV Ground Mounted Dual Axis Tracking System Maximum Capacity Output: 10 kW Typical Number of Hours of Operation: Approximately 4,467 Peak Output: 8.4 kW Base Load Output: 2.6 kW	
2.1.4	Provide details on whether the generation facility is expected to sign a “must run” contract with the IESO. The generation facility does not, and is not expected to, sign a “must run” contract with the IESO.	
2.1.5	Provide details of whether the generation facility is expected to serve a “load pocket”, or, is likely to be “constrained on” due to transmission constraints. The generation facility is not expected to serve a “load pocket”, and is not likely to be “constrained on” due to transmission constraints.	

2.2 System Reliability

Section 2.2 must be completed by applicants who are claiming that the proposed transaction or project is required for system reliability under section 82(2)(b) of the Act.

Not Applicable.

2.2.1	Provide reasons why the proposal is required to maintain the reliability of the transmission or distribution system. Provide supporting studies.	
2.2.2	Discuss the effect of the proposal on the adequacy (ability of supply to meet demand) of supply in the relevant control area or distribution region, citing effects on capacity plus reserve levels in comparison to load forecasts.	
2.2.3	Discuss the effect of the proposal on the security (ability of supply to respond to system contingencies) of supply.	
2.2.4	Provide a copy of the IESO Preliminary System Impact Assessment Report, if completed, and the IESO Final System Impact Assessment Report, if completed. If the IESO is not conducting a System Impact Assessment Report, please explain.	

PART III: SECTION 81 OF THE ACT—GENERATORS ACQUIRING AN INTEREST IN OR CONSTRUCTING A TRANSMISSION OR DISTRIBUTION SYSTEM

All applicants filing a Notice of Proposal under section 81 of the Act must complete and file the information requested in Part III.

3.1 Effect on Competition

3.1.1	Provide a description of the transmission or distribution system being acquired or constructed. Please see section 2 of the attached MAADs application.	
3.1.2	Provide details on whether the generation facilities owned by the acquiring company are or will be directly connected to the transmission or distribution system being acquired or constructed. The generation facility owned by ENWIN Energy Ltd. will not be directly connected to the E.L.K. Energy Inc. distribution system, which is being acquired Windsor Canada Utilities Ltd.	
3.1.3	Provide details of whether the generation facility is expected to serve a “load pocket”, or is likely to be “constrained on” due to transmission constraints. The generation facility is not expected to serve a “load pocket”, and is not likely to be “constrained on” due to transmission constraints.	
3.1.4	Provide details on whether the generation facilities are expected to sign a “must run” contract with the IESO. The generation facility does not, and is not expected to, sign a “must run” contract with the IESO.	

How to Contact the Ontario Energy Board

The Ontario Energy Board is located at:

P.O. Box 2319
2300 Yonge Street, Suite 2701
Toronto, Ontario
M4P 1E4

Telephone:	416-481-1967
Toll Free Number:	1-888-632-6273
Fax:	416-440-7656
Website:	http://www.oeb.gov.on.ca
Board Secretary's e-mail address:	boardsec@oeb.gov.on.ca