



Ontario
Energy
Board

Commission
de l'énergie
de l'Ontario

DECISION AND ORDER

EB-2023-0091

UPPER CANADA TRANSMISSION, INC.

Application for an Electricity Transmission Licence
Transfer

BY DELEGATION,

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

March 9, 2023

DECISION AND ORDER

Upper Canada Transmission, Inc. (Upper Canada) filed an application on February 21, 2023, with the Ontario Energy Board (OEB) pursuant to section 18(2) of the *Ontario Energy Board Act, 1998* (OEB Act), to transfer its electricity transmission licence (ET-2011-0222) to Upper Canada Transmission 2, Inc. (Upper Canada 2), in its capacity as general partner of East-West Tie Limited Partnership. In addition, Upper Canada requests that two rate orders (EB-2020-0150 and EB-2022-0243)¹ be transferred to Upper Canada 2 concurrently with the transfer of licence.

This Decision and Order is being issued by the Delegated Authority without holding a hearing pursuant to section 6(4) of the OEB Act.

Electricity transmission licence ET-2011-0222 was issued to Upper Canada on November 25, 2011. On February 11, 2019, following a directive issued by the Minister of Energy, Northern Development and Mines under section 28.6.1 of the OEB Act and approved by Order in Council No. 52/2019 dated January 30, 2019, the licence was amended to authorize Upper Canada to develop, seek approvals in respect of, and immediately proceed to construct, expand or reinforce the electricity transmission network in the area between Wawa and Thunder Bay, also known as East-West Tie Line. The East-West Tie Line consists of approximately 450 km of new double circuit 230 kV overhead electricity transmission line.

Upper Canada is a New Brunswick corporation established for the purpose of developing, owning, and operating the East-West Tie Line transmission facilities in its capacity as the general partner, and acting for and on behalf of the limited partnership, initially named NextBridge Infrastructure LP and which is now, following a corporate reorganization, named East-West Tie Limited Partnership (EWT Partnership).

With its application, Upper Canada filed evidence detailing the rationale for the transfer of its licence and the rate orders, and the impact of the transfer on the affected parties, including Bamkushwada Limited Partnership, which is a corporation made up of six First Nations that will hold an interest in the EWT Partnership and Upper Canada 2. In

¹ In June 2020, Upper Canada filed its first electricity transmission revenue requirement application (EB-2020-0150), approved by OEB Decision and Order dated June 17, 2021. The associated revenue requirement and accounting orders were approved by Decision and Order dated August 19, 2021, including an order approving rates for the period April 1, 2022 to December 31, 2022. The Rate Order was further adjusted effective January 1, 2023, by Decision and Order dated November 24, 2022 in Upper Canada's 2023 rate adjustment application (EB-2022-0243).

support of its licence transfer request, Upper Canada also advised that, upon the licence transfer (and the corresponding change in ownership of transmission assets) to Upper Canada 2: there will not be any impact on the safe and reliable operation of the East-West Tie Line; Upper Canada 2 will continue to maintain the technical and financial qualifications to reliably operate and maintain the East-West Tie Line; and, in its capacity as general partner of the EWT Partnership, Upper Canada 2 will be responsible for meeting all of the terms and conditions set out in the transmission license ET-2011-0222. Upper Canada 2 confirmed its support for, and agreement to the transfers.

Based on the evidence, the OEB finds it in the public interest to transfer the electricity transmission licence ET-2011-0222 from Upper Canada to Upper Canada 2, in its capacity as general partner of the EWT Partnership. With the transfer, the rights and obligations initially granted to Upper Canada under Transmission Revenue Requirement Order EB-2020-0150 (dated August 19, 2021), and under 2023 Rate Adjustment Order EB-2022-0243 (dated November 24, 2022), will now apply to Upper Canada 2.

IT IS ORDERED THAT:

1. The application to transfer electricity transmission licence ET-2011-0222 from Upper Canada Transmission, Inc. to Upper Canada Transmission 2, Inc., in its capacity as general partner of East-West Tie Limited Partnership is granted.
2. The application to transfer the authorities provided under Transmission Revenue Requirement Order EB-2020-0150, dated August 19, 2021, and under 2023 Rate Adjustment Order EB-2022-0243, dated November 24, 2022, are transferred to Upper Canada Transmission 2, Inc., in its capacity as general partner of East-West Tie Limited Partnership is granted.

DATED at Toronto, March 9, 2023

ONTARIO ENERGY BOARD

Brian Hewson
Vice President, Consumer Protection & Industry Performance