



Ontario
Executive Council
Conseil des ministres

Order in Council Décret

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and concurrence of the Executive Council, orders that:

Sur la recommandation du soussigné, le lieutenant-gouverneur, sur l'avis et avec le consentement du Conseil des ministres, décrète ce qui suit:

WHEREAS the Minister may, with the approval of the Lieutenant Governor in Council, issue directives under section 28 of the *Ontario Energy Board Act, 1998* with respect to license conditions in order to address issues which arise from the market share which Ontario Power Generation Inc. has in the Ontario electricity industry, with respect to the directive issued to the Board on March 24, 1999;

AND WHEREAS the Minister, with the approval of the Lieutenant Governor in Council, issued such directives on March 24, 1999 (OIC No. 600/99), March 19, 2003 (OIC No. 654/2003), April 2, 2003 (OIC No. 843/2003), and February 16, 2005 (OIC No. 207/2005) with attached schedules, in respect of the license of Ontario Power Generation Inc. issued to it by the Ontario Energy Board;

AND WHEREAS the *Electricity Restructuring Act, 2004*, which received Royal Assent on December 9th, 2004, provides the statutory and regulatory framework for a new hybrid-market model for the Ontario electricity market through amendments to both the *Electricity Act, 1998* and the *Ontario Energy Board Act, 1998*;

AND WHEREAS such hybrid market is based, in part, on the government's decision to retain all of the generation assets of Ontario Power Generation Inc., and therefore not to enter into sales agreements for that corporation's assets or to continue with initiatives and targets for the decontrol of that corporation's assets;

AND WHEREAS it is desirable, in order to fully implement the government's new electricity policies including furthering the hybrid market model created pursuant to the *Electricity Restructuring Act, 2004*, that Part B, (Referral), of the Directive and Referral attached to OIC No. 600/99 as well as Part 4 (Transfer of Effective Control) of Appendix A (License Conditions for OPGI) attached thereto, including any subsequent amendments made thereto, be revoked.

NOW THEREFORE the above-noted Part B to the Directive and Referral made pursuant to Order-in-Council No. 600/99, dated March 24, 1999, as well as Part 4 of Appendix A attached thereto, is revoked, and the Board is further directed to modify the conditions of the license of Ontario Power Generation Inc. in a manner which gives full effect to the above-noted revocations, to be effective as of the date that this Order in Council is signed.

Recommended: *Norra Carsfield*
Minister of Energy

Concurred: *[Signature]*
Chair of Cabinet

Approved and Ordered: DEC 7 - 2005
Date

[Signature]
Administrator of the Government