

Notice of Force Majeure
(Market Rules for the Ontario Electricity Market)

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SUBMIT BY EMAIL (PDF WITH SIGNATURE)

To: ForwardMarkets@ieso.ca


Capitalized terms not defined herein have the meaning ascribed in the Market Rules for the Ontario Electricity Market (the "Market Rules").

- This is a new Force Majeure event, start date: _____
- This is an update to an existing Force Majeure No.: NRSTOR C&I CHERRYWOOD DRA
- This is a termination Notice, termination date: <insert date, if applicable>

Date	October 29, 2020
Legal Name of Market Participant	Aypa Power Canada LP (f/k/a NRStor C&I LP) (the "Participant")
Market Participant ID #	186092
Delivery Point	CHERRYWOOD-LT.NRSTORCI_DRA
Title of Force Majeure	NRSTOR C&I CHERRYWOOD DRA

Pursuant to Chapter 1, Section 13.3 of the Market Rules, the FIT Contract, the Participant is hereby submitting this Notice of Force Majeure Event to the IESO. The Supplier agrees and consents that the IESO may disclose any information contained in this Notice of Force Majeure, related documentation to any Person for the purpose of assessing this Force Majeure claim, and may post the Notice of Force Majeure in accordance with Chapter 1, section 13.3.12 of the Market Rules.

The Participant represents and warrants that all of the information in this Notice of Force Majeure, including all documentation provided herewith, is complete, true and accurate, and there is no material information omitted from this Notice of Force Majeure that makes the information contained herein misleading or inaccurate.

Participant: Aypa Power Canada LP, by its general partner Aypa Power Canada GP Inc.
Signature: 
Name: Christie Kneteman
Title: EVP and General Counsel
I have the authority to bind the Participant.
Dated this 29 day of October , 2020

1. Description of the events leading to Force Majeure Event.

Provide reasonably full particulars of the cause and timing of the events relating to the invoked Force Majeure. Also provide documentary evidence of the same, including without limitation, the following: newspaper articles, correspondence, emails, notes, reports, memoranda and any other documentation relevant to establishing Force Majeure.

On March 11, 2020, the WHO officially declared the COVID-19 a pandemic. On March 17, 2020, the Province of Ontario declared a State of Emergency and issued various emergency orders, including Ontario Regulation 82/20 directing all non-essential workplaces to close (the "Order"). The federal government also implemented various public health measures in an attempt to control the pandemic, including severely restricting international travel and closing borders.

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2. Effect of Force Majeure.

Provide reasonably full particulars of the effect of the Force Majeure on the Participants' ability to fulfill its obligations under the Market Rules. Also provide documentary evidence of the same, including without limitation, the following: reports, policy documents, correspondence, emails, notes, memoranda and any other documentation relevant to establishing the effect of Force Majeure.

COVID-19, and the related public health measures, have caused significant unforeseen negative impacts to commercial & industrial businesses, municipal permitting offices, utilities, and our contractors' and subcontractors' operations. As a result of Ontario Regulation 82/20, travel restrictions, and emergency staffing measures enacted at utility and government permitting offices, our ability to commission battery storage projects at a number of customer host sites has been delayed. For example, various equipment components of our energy storage projects require commissioning to be performed by supplier personnel who are based in the United States, and these personnel have been prevented due to COVID-19 from entering Canada and completing the commissioning process at numerous facilities. Project completion has also been delayed by host customers limiting or preventing site access due to health and safety concerns and/or shut downs and furloughs; utility challenges, including the cancelling of scheduled shutdowns to complete interconnection; and permitting barriers due to the provincial Order. The Force Majeure and its impacts has been continuing since our original Force Majeure notice dated April 23, 2020, and as a result, HDR CHERRYWOOD-LT.NRSTORCI_DRA is currently unable to provide 4.45 MW of DR Capacity for the Winter 2020/21 commitment period by the November 1, 2020 deadline.

3. Commercially Reasonable Efforts

Provide reasonably full particulars of efforts, if any, undertaken or contemplated by the Participant to remedy or mitigate the Force Majeure. Also provide documentary evidence of the Commercially Reasonable Efforts listed, including, without limitation, the following, as applicable: correspondence, emails, notes, memoranda and any other documentation relevant to establishing the efforts to remedy or mitigate the Force Majeure.

In an effort to promote business continuity while also respecting and protecting the well-being of our employees and partners we have continued to proceed diligently towards project execution where site access is granted by host customers. We also continue to work with our suppliers around travel restrictions to facilitate border crossing by technicians and to facilitate local subcontractor engagement to the extent possible. We were able to arrange a border crossing on October 7, 2020 to facilitate commissioning of certain components of our facilities that will deliver into CHERRYWOOD-LT.NRSTORCI_DRA.

Aypa Power Canada LP has proactively registered all C&I contributors to fully meet each zonal commitment in an effort to ensure that we are ready to fulfil our obligations as soon as our projects can be safely commissioned. We currently anticipate that we will be able to fully commission, commence operations, and be able to provide 2.70 MW of DR Capacity to CHERRYWOOD-LT.NRSTORCI_DRA by approximately January 1, 2021 and 1.75 MW of DR Capacity to CHERRYWOOD-LT.NRSTORCI_DRA by approximately January 8, 2021. We will continue to keep the IESO informed of our expected timeline and will submit a Force Majeure termination Notice as soon as we have fully mitigated the impact of the Force Majeure and are able to fulfil our Winter 2020/21 DR obligations.

(Use separate attachments or extra pages, as necessary)