

# Feedback Form

## LT2 RFP: Joint Session IESO, MECP and MNR

### Feedback Provided by:

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To promote transparency, feedback submitted will be posted on the LT RFP engagement webpage unless otherwise requested by the sender. If you wish to provide confidential feedback, please mark as "Confidential".

Following the February 9, 2024, engagement webinar, the Independent Electricity System Operator (IESO) is seeking feedback from stakeholders on the items discussed. The webinar presentation and recording can be accessed from the [LT RFP engagement web page](#).

**Please submit feedback to [engagement@ieso.ca](mailto:engagement@ieso.ca) by February 23, 2024.**

| Item   | Feedback  |
|--|---|
| <p>Please provide any general feedback to the IESO on what considerations need to be reflected in the LT2 Report Back on the procurement timelines and design to ensure efficient alignment with the proposed MNRF and MECP processes.</p> | <p><i>IESO contracts vs. Corporate PPAs</i><br/> Boralex applauds the cadenced procurements identified by the IESO, however with the start of Corporate Power Purchase Agreements (PPAs) we are concerned there could be a backlog in permitting and approvals. We recommend that priority of permit reviews be given to projects with IESO contracts. Projects with IESO contracts are held to specific commercial operation dates to fulfill their contract requirements and to meet the energy needs identified by the Province. Permitting and approvals are key on the critical path for projects. It would be beneficial for MECP to prioritize projects that have IESO contracts so that projects can hit milestones and become operational in the timeline that the IESO has mandated.</p> <p><i>Crown Land Process</i><br/> In terms of process for access, the former process where Crown land was reviewed and potentially granted to a proponent after a contract was awarded is ineffective. This process may have worked well under the Feed in Tariff (FIT) program, but in a competitive procurement process, proponents will struggle to develop projects under this procedure. Proponents need the security of site exclusivity to spend money on advancing a site in order to bid a project into an RFP and ensure that timelines can be met for commercial operation dates. An example of a process that would provide more reliability would be the process used in 2005. An applicant would apply to the Ministry of Natural Resources and Forestry (MNRF) for Crown land and pay a nominal application fee. The MNRF would then quickly move through the process to deem the applicant “Applicant of Record” status. At this stage, additional fees would be required, and milestones would need to be met to show project advancement before a contract was officially awarded by the IESO. If a proponent cannot show project advancement or justify why a project has not advanced, the MNRF can remove the Applicant of Record status and open the Crown land parcels to other proponents. This process gives assurance to proponents that they have access and exclusivity to the land to advance projects before submitting an RFP</p> |

bid to IESO for a contract as well as make them accountable to keep the project progressing.

Please provide what additional details are needed to inform project siting, development, and timelines to ensure projects are in-service by 2030.

*Municipalities and Permitting/Approvals*

Municipalities play a key role in the development of energy sites, and it is important that everyone has clarity on municipalities' role during the permitting of a project. As an example, questions have come up at the municipal level on items like setbacks or sound thresholds enforced by the municipality. The Independent Electricity Systems Operator (IESO) and Ministry of Environment, Conservation and Parks (MECP) should clearly identify that which items permitted by MECP take precedence over municipal requirements. Although the *Planning Act* has been changed to provide municipalities with the ability to establish setbacks associated with renewable energy projects, the setbacks are secondary to MECP Renewable Energy Approval (REA) requirements. Boralex recommends that the IESO and MECP continue to engage with municipalities as these procurements go forward, and clearly outline which standards and regulations take precedence over others. Having this clearly outlined will avoid unnecessary duplication and confusion over which level of government should be handling and enforcing specific standards.

*Crown Land Application Submissions*

Anticipating the potential influx of Crown land applications that MNRF will see as LT2 and future procurements begin, Boralex would recommend enacting a cap on how many applications can be submitted to avoid overwhelming the Ministry. We would suggest that in a given calendar year, proponents could only submit 20 applications, which will help avoid application backlog and give developers flexibility on which projects they will choose to move forward with. It is also advised that IESO ensures that MNRF has adequate resources in advance of more applications being submitted to further ensure the Ministry can keep the procurement process advancing.

*Existing Application Status*

As we advance towards the upcoming LT2 RFP, it is imperative that the energy sector have clarity on the status of existing Crown land applications in Ontario. During the webinar, it was advised that if a proponent is an “Applicant of Record” under the former application system, they should connect with MNRF to evaluate these applications on a case-by-case basis. Handling former applications in this manner will cause confusion regarding which applications still stand and which do not. Boralex believes that any existing applications should be removed and that the Crown land application process should start fresh. This will help ensure a fair process, where no one is starting with a certain advantage over others and addresses the fact that some entities that previously applied no longer exist. As part of the current process, existing Applicants of Record needed to demonstrate progress on their projects in order to maintain status. Given that none of these applicants would have been able to demonstrate project advancement, Boralex recommends that the MNRF follow their own process and remove Applicant of Record status to all projects.

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