

September 5, 2023

## DELIVERED VIA EMAIL

Independent Electricity System Operator  
1600-120 Adelaide Street West  
Toronto, ON M5H 1T1

Attention: [LT.RFP@ieso.ca](mailto:LT.RFP@ieso.ca)

### **RE: Atura Power's Written Comments August 18, 2023, Draft of LT-1 RFP and Capacity Contract**

Atura Power ("**Atura**") appreciates the opportunity to comment on the Long-Term 1 RFP ("**LT1-RFP**") and the draft Capacity Contract ("**Contract**") as posted by the IESO on August 18, 2023.

#### **Contract: Section 2.2(e) & 10.1(q) Additional Development and Construction Covenants**

Further clarity as to the potential scope and expectations for fulfilling the Duty to Consult ("**DTC**") should be provided as early in the process as possible.

The IESO should ensure that the Contract provides for appropriate and equitable adjustments (e.g., Force Majeure) should the Crown's DTC Process result in material delays in respect of the project.

#### **Contract: Section 2.15 GHG Abatement Plans**

Atura appreciates the IESO's changes to this provision to account for the recently released draft Clean Electricity Regulations ("**CER**"). However, as Ontario has seen continued evolution in environmental policies (i.e., from cap and trade to Federal OBPS to Provincial EPS, and now with introduction of the CER) it is not unrealistic to assume that such policies will continue to change. Consequently, section 2.15 as currently drafted is overly narrow and perspective. Atura recommends, as it has previously, that more broad provisions, similar to those contained in the Napanee Generating Station Clean Electricity Supply ("**CES**") contract are more appropriate, especially considering that final regulations will not be posted until 2024, well after the December 12, 2023, bid submission date. As changes to the regulations between draft and final form could occur, and if such changes are material, the final version of the CER may not be appropriately captured under the IESO's Capacity Contract. As such, incorporating a broader environmental changes in law provision would capture any unexpected changes that may not have been foreseen in this section 2.15.

#### **RFP: Section 1.2(f)**

The RFP states that Non-Electricity Storage Facilities are required to deliver at least eight (8) continuous hours of electricity during Qualifying Hours. Can the IESO confirm that such a facility has met its obligations under the Contract if that facility operated for 8 continuous hours during Qualifying Hours and after which it has become fuel-limited and, therefore, unable to produce

any more electricity? For greater clarity, can the IESO confirm that the market participant would not be required to submit an outage slip for the facility in this circumstance?

Can the IESO confirm same for Electricity Storage Facilities (i.e., once a facility is fully discharged).

**RFP: Section 2.2(e) Commercial Operation**

Atura recommends that the IESO reconsider the allowance of a partial Commercial Operation Date ("COD"). By allowing partial capacity COD, the IESO will have access to some portion of a project's capacity earlier, thus providing the IESO earlier access to capacity to help maintain and ensure grid reliability. If a project is able and ready to bring some portion of its capacity into service earlier, then it should be afforded the opportunity to do so, rather than potentially wait several months until the full contract capacity is ready to go into service.

Sincerely,



Margaret Koontz  
Manager, Market Affairs