

WCO | WIND CONCERNS ONTARIO

October 14, 2022

To: Engagement, Independent Electricity System Operator

Please accept this letter as comment on the documents posted for the IESO website.

General Comments on Draft RFP

There seems to be confusion in the draft RFP regarding municipal processes. The following clarification is suggested:

Municipal Support – This can only be provided by resolution of the Council for the municipality, or some other local governing body in situations where there are no organized municipalities. The alternatives to a municipal support resolution suggested in the draft RFP contract are not indications of municipal support.

Community Support – Some large Regional Municipalities, like the City of Ottawa or the Municipality of Chatham-Kent, have substantial rural areas within a large municipality. The structure of municipal councils in these centres means that council representation (and hence the share of votes) in the urban portions vastly outnumber the votes from rural areas. When a project is proposed for the rural areas of a largely urban municipality, the IESO needs to take steps to ensure that the municipal support resolution actually reflects the views of the rural community which will likely be where any power generation facility will be located.

Municipal Plans – The draft RFP makes reference to input from a land use planner. While such an individual may be qualified to provide an assessment of the content of the Official Plan and the Zoning bylaws related to a project, but this input should not be regarded as an indication of municipal support.

Building Permits – Building permits for construction activities in a municipality are issued by the Chief Building Official based on the Ontario Building Code and other statutory requirements governing construction. The Chief Building Official works independently of Council; the process of issuing a building permit for a project is not a substitute for a municipal support resolution as suggested by the draft RFP. In the past, wind power proponents have threatened municipal officials with lawsuits if they did not promptly issue building permits to help them meet IESO contract timelines.

Relationship with Existing IESO Contracts

The feedback in one response to the July 14 municipal breakout session is of concern as it suggests the potential bidders can charge the IESO more than once for the same electricity. The situation would arise if a successful bidder for a storage contract also holds a contract with the IESO to purchase electricity from a wind turbine contract. The wind turbine contract requires the IESO to purchase all output produced by the wind project at premium rates provided for in the wind contract, whether or not it is required to meet provincial demand at the time of generation. Awarding a new contract to the same company would allow the company to buy back the same electricity that it just sold to the IESO at low, off-peak rates to fill its storage capacity. The same electricity would be sold to the IESO a second time at peak day time rates.

If holders of existing contracts want to bid on a storage RFP, they would have to agree to renegotiate their existing contract so that there is no potential for even the appearance of double-dipping.

Comments on Specific Forms

Prescribed Form: Evidence of Municipal Support

The instructions for the form should be amended to indicate that support from all municipalities in which the proposed project will be located is a mandatory requirement to align the process with the direction from the Minister of Energy.

In addition, the municipality should be instructed that the municipal support resolution must be dealt with in a regular open Council meeting where members of the public are allowed to make submissions before the Council deals with the resolution. In other words, there must be opportunity for true public engagement prior to any expression of municipal “support.”

In addition to the information requested, the following general information on the project should be provided to the municipality:

- **Description of the proposed project** including the relationship to other projects owned by the proponent in the municipality.
- **A map(s) of the project site** and connection point.
- **Legal description of all properties** on which the project will be located.
- **Description of all lands**, including municipal allowances, that will be required for connection lines related to the project.
- **A description of how the proposed project aligns with any requirements for renewable energy projects** within the municipality’s Official Plan and zoning Bylaws.

If the proponent already operates a renewable energy project in the municipality, any technical relationship between the two projects should be discussed in detail. In addition, information should be provided on the pricing arrangements for electricity between the existing contract and the proposed facility.

If the project involves construction of new or “repowered” wind turbines, the documentation should provide discussion of how the current setbacks from receptors and property lines apply to the sites affected by the project. This would include noise modeling that confirms the project elements involved will continue to meet noise limits (i.e., 40 dBA) at receptors after changes have been implemented. This noise modeling should use assumptions that reflect the proponent’s assessment of the impact of the project on the community under the worst case scenarios.

If the proponent already operates a renewable energy project in the municipality, the submission requesting Municipal Support should include a confirmation that the existing project is fully compliant with all terms of the existing Renewable Energy Approval or Certificate of Approval for that project. This would include copies of letters from the Ministry of Environment, Conservation and Parks confirming that the project has satisfactorily demonstrated that the existing project is emitting less than 40 dBA. It would also provide a summary of any complaints received about the operation of the project, the probable cause of these complaints and the changes made to the project to ensure that these issues are not repeated. (This is a requirement of projects’ Renewable Energy Approvals or REAs.)

The submission requesting Municipal Support should also document “Community Benefits” and other payments already being made by the proponent to the municipality outside of property taxes. These payments place the municipal Council in a conflict of interest situation relative to extensions related to the existing project.

A detailed report on the community consultation related to the project should also be provided to the municipality, including:

- The number of attendees;
- Summary of all comments raised; and
- Details on issues identified regarding the project, adjustments made to the project as a result of public input, and a list of issues yet to be resolved.

The municipal consultation process should provide an opportunity for the municipality to raise concerns about the proposed project. If concerns are raised, the proponent shall respond to the municipality demonstrating how the project proposal has been amended to reflect the

concerns raised by the municipality. Such exchange of information shall be provided to the IESO as part of the response to the RFP.

Prescribed Form: Evidence of Indigenous Support

The instructions for the form should be amended to indicate that support from the Indigenous communities on whose traditional land that the proposed is located is required before a Rate-Criteria Points can be assigned to the project. This is to prevent the situation encountered in the 2015-2016 RFP which used rated-criteria points; some projects that were not supported by the local Indigenous peoples were awarded a contract based on Indigenous participation points achieved by negotiation with other Indigenous peoples.

Prescribed Form: Community Engagement Requirements

The proposed form provides little or no information on the requirements for the community engagement process. In the past, these community engagements were treated by proponents as statement in the application and a box that needed to be ticked. Input provided was generally ignored which in the end resulted in costly appeals of the project approval. It is hoped that the IESO's suggestion of a requirement to engage the community reflects a desire for constructive dialogue. If this is the case, the IESO will have to critically evaluate the extent to which the proponent has attempted to engage in constructive dialogue with the host community.

The community engagement session should only take place at the point where planning for the project has reached the stage where details of the proposal and proposed locations can be provided to the community. The community engagement session should take place prior to presentation of the support resolution is presented to the municipality so that the Council can consider input from the community in its decision.

Notice of the Community Engagement event should be broadly publicized in the community so that it reaches all affected residents. This would include specific notice to all property owners within 2,000 metres of the proposed location for the activity. A project website should also be available which provide extensive project information.

The following general information on the project should be provided to the community:

- Description of the proposed project including the relationship to other projects owned by the proponent in the municipality.
- Legal description of all properties on which the project will be located.
- Description of all lands, including municipal allowances, that will be required for connection lines related to the project.

- A map(s) of the project site and connection point.
- A description of how the proposed project aligns with any requirements for renewable energy projects within the municipality's Official Plan and zoning Bylaws.

Similar to the information support requirements for a Municipal Support resolution, the proponent should make the following information fully available.

- If the proponent already operates a renewable energy project in the municipality, any technical relationship between the two projects should be discussed in detail. In addition, information should be provided on the pricing arrangements for electricity between the existing contract and the proposed facility.
- If the project involves construction of new or repowered wind turbines, the documentation should provide discussion of how the current setbacks from receptors and property lines apply to the sites affected by the project. This would include noise modeling that confirm that project elements involved will continue to meet noise limits (i.e., 40 dBA) at receptors after changes have been implemented. This noise modeling should use assumptions that reflect the proponent's assessment of the impact of the project on the community under the worst case scenarios.
- If the proponent already operates a renewable energy project in the municipality, the submission should include confirmation that the existing project is fully compliant with all terms of the existing Renewable Energy Approval or Certificate of Approval for the existing project. This would include copies of letters from the Ministry of Environment, Conservation and Parks confirming that the project has satisfactorily demonstrated that the existing project is emitting less than 40 dBA. It would also provide a summary of complaints received about the operation of the project, the probable cause of these complaints, and the changes made to the project to ensure that these issues are not repeated.

The Community Engagement Session should be structured in a "Town Hall" format with a sound system that allows all attendees to hear the questions asked and the response from the proponent.

The Community Engagement Sessions should include opportunities for members of the community to raise concerns about the impact of the project on their community. The proponent should respond to these concerns in writing with the response outlining how the project will be modified to address the matters raised by the community member.

Respectfully submitted,

WIND CONCERNS ONTARIO

PO BOX 91047 RPO SIGNATURE CTR KANATA ON K2T 0A3

president@windconcernsontario.ca