

IESO Engagement

From: Shawna Merry
Sent: October 18, 2022 5:03 PM
To: IESO Engagement
Cc: Robert Wydareny; Wilhelm Danek; Jared Alexander
Subject: IESO E-LT1 RFP - Contract Changes/Amendments

Good day,

Capital Power would like to propose the following E-LT1 Contract changes/amendments:

Requested Contract Change #1

The definitions of “Confidential Information” and “Representatives” in the E-LT 1 Contract would generally prevent disclosure of confidential information in connection with the E-LT 1 Contract (either before or after its execution) with the existing lenders or bondholders under Article 8 (unless they provide new financing in respect of any of the Proposed Projects). Section 8.1(c) creates an exception for any “Secured Lender or prospective lender or investor and its advisors, to the extent necessary, for securing financing for the Facility” which is not expansive enough to capture the existing lenders or bondholders, and so would not facilitate adding the Proposed Projects to the existing project financing arrangements. Capital Power requests that the IESO amend the form of agreement to allow disclosure, as necessary, from existing lenders to the Facilities.

Request Contract Change #2

Article 12, which addresses the rights of any Secured Lender, does not contemplate the rights of any existing lender or security interest that would exist in the Proposed Project in favour of the existing lenders in connection with the Credit Agreements. Capital Power requests that the IESO amends the form of agreement to allow for existing security arrangements to continue.

Thank you in advance for your consideration,

Shawna

Shawna Merry

BUSINESS DEVELOPMENT ASSOCIATE

CAPITAL POWER CORPORATION

Suite 1200, 401 – 9 Ave SW | Calgary, AB | T2P 3C5

www.capitalpower.com