

Final Alignment Supplementary: Incremental Amendments

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| Incremental Amendments from Provisionally Approved baseline | |
| Title: | Chapter 0.1 – Introduction and Interpretation of The Market Rules |
| Current Market Rules Baseline: | |
| This document shows only excerpts from sections that have been revised since the Technical Panel provisionally recommended/IESO Board provisionally approved version with tracked changes. For the full version of this and other chapters, refer to the market rule amendment proposal documents (MR-00481-R00-R12). | |

Introduction

A.1.1 This Chapter is part of the *renewed market rules*, which pertain to:

A.1.1.1 the period prior to a *market transition* insofar as the provisions are relevant and applicable to the rights and obligations of the *IESO* and *market participants* relating to preparation for operation in the *IESO administered markets* following commencement of *market transition*; and

A.1.1.2 the period following commencement of *market transition* in respect of all the rights and obligations of the *IESO* and *market participants*.

A.1.2 All references herein to chapters or provisions of the *market rules* will be interpreted as, and deemed to be references to chapters and provisions of the *renewed market rules*.

A.1.3 Upon commencement of the *market transition*, the *legacy market rules* will be immediately revoked and only the *renewed market rules* will remain in force.

A.1.4 For certainty, the revocation of the *legacy market rules* upon commencement of *market transition* does not:

A.1.4.1 affect the previous operation of any *market rule* or *market manual* in effect before the *market transition*;

A.1.4.2 affect any right, privilege, obligation or liability that came into existence under the *market rules* or *market manuals* in effect prior to the *market transition*;

A.1.4.3 affect any breach, non-compliance, offense or violation committed under or relating to the *market rules* or *market manuals* in effect prior to the *market transition*, or any sanction or penalty incurred in connection with such breach, non-compliance, offense or violation

A.1.4.4 affect an investigation, proceeding or remedy in respect of,

(a) a right, privilege, obligation or liability described in subsection A.1.4.2, or

(b) a sanction or penalty described in subsection A.1.4.3.

A.1.5. An investigation, proceeding or remedy described in subsection A.1.4.3 may be commenced, continued or enforced, and any sanction or penalty may be imposed, as if the *legacy market rules* had not been revoked.

1. Definitions

1.1 Market Rules

1.1.1 The rules set forth in ~~Chapters~~MR Ch. 1 to 11 are called the Market Rules for the Ontario Electricity Market (the “*market rules*”) and constitute the *market rules* made under the authority and for the purposes of the *Electricity Act, 1998*.

1.2 Italicized Expressions

1.2.1 Italicized expressions used in the *market rules* have the meanings ascribed thereto in the definitions set forth in ~~Chapter~~MR Ch. 11. Words and phrases defined in the *Electricity Act, 1998* have the same meaning when used in the *market rules*.

4. Objectives and Status of Market Rules

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5. The IESO

5.1 Responsibility for Market Rules

5.1.1 The body corporate responsible for the administration and supervision of the *market rules* is the *IESO*.

5.2 Objects of the IESO

5.2.1 The objects of the *IESO* are specified in subsection 6(1) of the *Electricity Act, 1998*.

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~~5.2.1.7 [Intentionally left blank section deleted]~~

5.3 Functions of the IESO

5.3.1 The functions, powers and authority of the *IESO* in relation to the administration and supervision of the *market rules* include:

- 5.3.1.1 supervising, administering and enforcing the *market rules*;
- 5.3.1.2 operating the markets related to electricity and *ancillary services* established under the *market rules*;
- 5.3.1.3 instituting and ensuring through the administration, supervision and enforcement of the *market rules* the effective and efficient implementation of the rules and standards contained in the *market rules*;
- 5.3.1.4 collecting information and statistics and ~~publishing~~ publishing reports and information relating to the performance of the *IESO-administered markets*;

6. Market Participants

6.1 Classes of Market Participants

6.1.1 The classes of *market participants* are described in ~~section 2 of Chapter MR Ch.2~~ s.2.

6.2 Third-Party Rights or Benefits

6.2.1 Unless otherwise expressly stated in the *market rules* or the *Electricity Act, 1998*, a person other than the *IESO* who is not a *market participant* is not entitled to any rights or benefits under the *market rules*.

7. Interpretation and Rules of

Construction

7.1 General

7.1.1 In the *market rules*, unless the context otherwise requires:

7.1.1.8 Unless the context suggests otherwise, reference to:

- a. "MR" means the *market rules*;
- b. "Ch." means a chapter of the *market rules*;
- c. "App." means an appendix of a chapter of the *market rules*; and
- d. "s." means section and "ss." means sections of the *market rules*.

7.1.1.9 a reference to any statute, regulation, proclamation, order in council, ordinance, by-law, resolution, rule, order or directive includes all statutes, regulations, proclamations, orders in council, ordinances, by-laws or resolutions, rules, orders or directives varying, consolidating, re-enacting, extending or replacing it and a reference to a statute includes all regulations, proclamations, orders in council, rules and by-laws of a legislative nature issued under that statute;

7.1.1.910 a reference to a document or provision of a document, including the *market rules* or a provision of the *market rules*, includes an amendment or supplement to, or replacement or novation of, that document or that provision of that document, as well as any exhibit, schedule, appendix or other annexure thereto;

7.1.1.~~10~~11 a reference to a person includes that person's executors, administrators, successors, substitutes (including, but not limited to, persons taking by novation) and permitted assigns;

7.1.1.~~11~~12 a reference to a body (including, without limitation, an institute, association or authority), whether statutory or not, which ceases to exist or whose functions are transferred to another body is a reference to the body which replaces it or which substantially succeeds to its powers or functions;

7.1.1.~~12~~13 a reference to sections of the *market rules* separated by the word "to" (i.e., "sections 1.1 to 1.4") shall be a reference to the sections inclusively;

7.1.1.1314 a reference to a time:

- a. without the qualification "EST" or "EPT" is a reference to eastern time, which is the prevailing eastern standard or eastern daylight time in the Province of Ontario, unless otherwise specified;
- b. followed by the qualification "EST" is a reference to eastern standard time in the Province of Ontario; ~~and~~
- c. followed by the qualification "EPT" is a reference to eastern time, which is the prevailing eastern standard or eastern daylight time in the Province of Ontario; and
- d. without the qualification "am", "a.m.", "pm" or "p.m." is a reference to time based on a 24-hour clock; ~~and~~

7.1.1.1415 a reference to a month, calendar month, year or calendar year shall mean the period that commences the first hour of the first *trading day* that starts in such month or year and terminates the last hour of the last *trading day* that commences in such month or year; ~~and~~.

~~7.1.1.15 —[Intentionally left blank—section deleted]~~

7.1.1.165 "maintaining" *reliability* shall include re-establishing or restoring *reliability* and "maintain" and "maintenance" shall be interpreted accordingly.

7.5 Computation of Time

- 7.5.1 In the computation of time under these *market rules*, unless a contrary intention appears, if there is a reference to a number of days between two events, they are counted by excluding the day on which the first event happens and including the day on which the second event happens.
- 7.5.2 In the computation of time under ~~Chapters-MR Ch.~~2, 3, 6 and 10, unless a contrary intention appears, if the time for doing any act or thing expires on a day which is not a *business day*, the act or thing may be done on the next day that is a *business day*.

7.7 Other Documents

- 7.7.4 Any policy, guideline and other document required by the *market rules* to be implemented as an *amendment* to the *market rules* shall be implemented in accordance with the procedures set forth in ~~section 4 of Chapter 3:MR Ch.3 s.4.~~ Any policy, guideline and other document referred to in section 7.7.1 or in the *market manuals* which, by virtue of its prohibitive or mandatory character or its importance to the efficient operation of the *IESO-administered markets* or the *reliable* operation of the *IESO-controlled grid*, should have a legislative character shall be implemented by the *IESO* as an *amendment* to the *market rules*.
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8. Notice, Notification, Service and Filing

8.1 Provision of Notice

- 8.1.1 Subject to section 8.3, and unless a contrary intention appears, notice is properly given, notification is properly made and service, filing, issuance and submission is properly effected under the *market rules*:
- 8.1.1.1 by courier or other form of personal delivery;
 - 8.1.1.2 by prepaid first class mail addressed to the person at the address for service (if any) supplied by the person to the sender or, where the person is a *market participant*, to the address shown for that person in the list of *market participants* maintained by the *IESO* pursuant to ~~section MR Ch.2 s.3.1.10 of Chapter 26~~ or, where the person is the *IESO*, to the registered office of the *IESO*; or
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8.3 Notice of Directions and Orders

- 8.3.1 Unless a contrary intention appears, instructions, directions and orders of the *IESO* may be given or issued to *market participants*:
- 8.3.1.1 _____ in accordance with sections 8.1 or 8.2; or
 - 8.3.1.2 by voice communication, in which case the instruction, direction or order shall be deemed validly given or issued at the time of communication.

10. [Intentionally left blank]

10.1.1 [Intentionally left blank]

10.1.2 [Intentionally left blank]

10A.3 For the purposes of this section 10A, "conduct" includes acts and omissions, but with respect to the *OPA* and *OEFC* only includes acts or omissions in their capacity as *market participants*, and with respect to the *IESO* does not include:

10A.3.1 market design or implementing government policy; and

10A.3.2 the development of the *market rules*, *market manuals* and policies, guidelines, or other documents referenced in section 7.7 ~~of Chapter 1~~.

11. Information Disclosure

11.1 Mandatory Disclosure ~~Must be Made Where Required by Market Rules~~

11.1.1 *Market participants* shall disclose or provide to the *IESO* and/or to other *market participants*, and the *IESO* shall disclose or provide to *market participants*, such information as is required to be disclosed or provided pursuant to the *market rules*. Such information shall be disclosed or provided within the time specified in, and in the form and manner required by, the relevant provisions of the *market rules*. Where no time is specified in relation to the disclosure or provision of specific information, the information shall be disclosed or provided within a reasonable time.

11.4 Use of Information by the IESO

11.4.1 Subject to the provisions of ~~sections MR Ch.3 ss.3 and 5 of Chapter 3~~, the *IESO* and any panel established by the *IESO* is entitled to use any data or information obtained in pursuance of the *IESO*'s or the panel's powers, functions or duties under the *market rules*, *applicable law* or the by-laws or *licence* of the *IESO*. The *IESO* may use such information in connection with or to initiate processes provided for in the *market rules* including, but not limited to:

11.4.1.1 a process to *amend* the *market rules* pursuant to ~~section 4 of Chapter 3~~ MR Ch.3 s.4; or

11.4.1.2 a process to enforce compliance with the *market rules* pursuant to ~~section MR Ch.3 s.6 of Chapter 3~~.

14. Exemptions

14.5 Costs

14.5.4 Where an *exemption* was granted to a *pre-existing facility or equipment* prior to *market commencement date* but section 14.5.2. is not applicable, the costs will be recovered from one or more of the following classes of *market participants* as determined by the *IESO*:

14.5.4.1 all *market participants* on a pro-rata basis based upon their respective allocated quantities of *energy* withdrawn at all *delivery points*, determined in accordance with ~~Chapter MR Ch.9~~, during such period as may be specified by the *IESO*;

14.5.4.2 all *market participants* on a pro-rata basis based upon their respective allocated quantities of *energy* injected at all *delivery points*, determined in accordance with ~~Chapter MR Ch.9~~, during such period as may be specified by the *IESO*;

14.5.4.3 all *market participants* on a pro-rata basis based upon their respective allocated quantities of *energy* withdrawn at all *intertie metering points* ~~metering points~~, determined in accordance with ~~Chapter MR Ch.9~~, during such period as may be specified by the *IESO*; and

- 14.5.4.4 all *market participants* on a pro-rata basis based on their respective allocated quantities of *energy* injected at all ~~*intertie metering points*~~*intertie metering points*, determined in accordance with ~~Chapter~~*MR Ch.9*, during such period as may be specified by the *IESO*.

14.6 Need for Rule Amendment

- 14.6.1 Where the *IESO* determines that the benefit of an *exemption* should be extended to all *market participants* or persons or to a class of *market participants* or persons the *IESO* may:

- 14.6.1.1 where the *exemption* was granted prior to the date on which ~~section 4 of Chapter 3~~*MR Ch.3 s.4* comes into force, recommend to the *IESO Board* that it advise the *Minister* that an *amendment* to the *market rules* be made accordingly; or
- 14.6.1.2 where the *exemption* was granted after the date on which ~~section 4 of Chapter 3~~*MR Ch.3 s.4* comes into force, recommend to the *IESO Board* that the *amendment* process set forth in ~~section 4 of Chapter 3~~*MR Ch.3 s.4* be initiated with a view to *amending* the *market rules* accordingly.

Chapter 1

Introduction And Interpretation Of The Market Rules—Appendices

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