Comments and Questions from Vlad Urukov – MR-00492-R00: Chapter 3 Market Rule Amendment Process Refresh

Ref #	Provision	Comment	IESO Response
1	4.3.1 Following any steps taken under sections 4.2.4, and 4.2.5, the *technical panel* shall consider the *amendment submission* and any related written submissions to determine whether the matter is:	I believe this wording should anchor also to section 4.2.1 as TP may elect to skip 4.2.4 and 4.2.5.	Section 4.3.1 has been modified to also reference section 4.2.1.
2	**4.3 Warrants Consideration Determination** 4.3.1 Following any steps taken under sections 4.2.4, and 4.2.5, the *technical panel* shall consider the *amendment submission* and any related written submissions to determine whether the matter is:	It is unclear if the determination will be a vote. The TOR had the following language: "Upon reviewing a market rule amendment submission that has not been discussed within an IESO engagement initiative, the Panel **may determine (by a majority vote) that** the amendment submission warrants consideration in its submitted form", which was specific that there will be a vote and that it needs to be a majority vote and not a unanimous vote. Propose clarifying language is added.	Any decision of the Technical Panel, including whether a matter warrants consideration, needs to be made through a vote. Section 5.3.3 has been added to the Technical Panel's Terms of Reference to clarify that all decisions of the Panel must be decided by resolution through a vote and setting out further mechanics when conducting votes.
3	4.2.3 The *IESO* shall provide the *technical panel* with any *amendment submission* or *amendment proposal* for the *technical panel's* review and consideration. 4.3.3 Where a proposed *amendment* warrants consideration, the *IESO* shall *publish* the *amendment submission* and any related comments from the *technical panel*. It will notify all *market participants* and any person who made the *amendment submission*.	Will the IESO not publish the amendment submission at the time of providing to TP? This reads as if the IESO will publish the amendment submission only after it is deemed to warrant consideration.	The amendment submission will be published on the proposed market rule amendment webpage if it is determined to warrant consideration, as is the current practice. However, all materials provided to Technical Panel are posted on the Technical Panel webpage, including market rule amendment submissions prior to being determined that they warrant consideration.
4	4.3.4 Where a proposed *market rule amendment* relates to or may affect any provision of section 2, the *IESO* shall consult with the *secretary* of the *dispute resolution panel* before the *technical panel* conducts its first vote in connection with the *amendment submission* or *amendment proposal.*	What is the "first vote" referring to here and what can be the possible outcome and impact of such consultation aside from 4.5.2.4? If so, why does the timing of when this is brought matter?	The 'first vote' refers to the warrants consideration determination or the vote to post, depending on the circumstance. This provision is intended to ensure that any information arising from the consultation is available to the Technical Panel before further steps are taken.
5	4.3.5 Where a proposed *market rule amendment* relates to or may affect any provision of section 3, the *IESO* shall consult with the Chair of the *market surveillance panel* before the *technical panel* conducts its first vote in connection with the *amendment submission* or *amendment proposal.*	What is the "first vote" referring to here and what can be the possible outcome and impact of such consultation	See above.

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		aside from 4.5.2.4? If so, why does the timing of when this is brough matter?	
6	4.4.2.1 *publish* the *amendment proposal* and give notice to all *market participants* and to any person who made the *amendment submission* or written submission to which the proposed *amendment* relates. The notice and *publication* shall invite *market participants* and other interested persons to make written submissions to the *technical panel.* 4.4.2.2 *publish* all non-confidential stakeholder feedback received on the *amendment proposal* and an *IESO* response document explaining how such feedback was considered in the proposed *amendment* presented to the *technical panel*.	What does the reference to "or written submission" capture? Doesn't the "amendment proposal", which is only done by "filing a written submission" one and the same?	"Written submissions" refers to any submission that may have been made during the warrants consideration process under s.4.2.4.
7	4.4.4 Unless otherwise determined by the *technical panel*, a *minor amendment* is not required to be *published* for stakeholder comment or review.	Based on what's described all minor amendments will go to IESO board. Doesn't the IESO at times want to collect minor amendments and run them through an omnibus package? I don't see that process captured in the MRs but have seen it used by the IESO.	All minor amendments would go to the IESO Board, as any amendment to the market rules need to be approved by the IESO Board. The rules continue to provide flexibility to allow this to occur individually, or as an "omnibus" package.
8	4.5.2.7 a statement of the objects of the *IESO* considered by the *technical panel* in formulating the *amendment*.	What is meant by "object" – is it rather the "objectives"?	"Objects" is intended to refer to the IESO's statutory objects in section 6(1) under the *Electricity Act, 1998*.
9	4.5.3 The *IESO* shall *publish* the written report referred to in section 4.5.2 and notify all *market participants* and any person who made a written submission. In this notice and *publication*, the *IESO* shall, at the request of the *technical panel*, invite *market participants* and other interested persons to make written submissions to the *IESO Board* objecting to the *technical panel's* recommendation and setting forth the reasons for the objection.	I assume this is made via the IESO Bulletin? Could you explain the scenario where the TP requested "written submissions objecting to the TP's recommendation"? What is this trying to cover?	The IESO uses the Bulletin as the main method for notifying market participants of the TP determination once it has been made. It may also directly email market participants, such as those who may have participated in a related stakeholder engagement. The written report referred to in section 4.5.2 is published on the proposed market rules amendment webpage closer to the date of the IESO Board meeting. The provision allowing Technical Panel to request written submissions is flexible, and could be used in scenarios where the Technical Panel did not have a unanimous vote or where there were significant stakeholder concerns. It allows an opportunity for stakeholders to present their concerns

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			before the IESO Board makes their decision. This is consistent with the current market rules.
10	4.6.1.1 approve the *amendment* as submitted by the *technical panel* or with any changes that the *IESO Board* determines are appropriate;	Is the amendment submitted by the "technical panel"? I believe all IESO board communication and submission is done by the IESO.	Section 4.6.1.1 has been revised to reference that the amendment is submitted by IESO staff.
11	4.6.4 Where the *IESO Board* refers a proposed *amendment* back to the *technical panel* for further consideration under section 4.6.1.3, or to any other person that the *IESO Board* deems appropriate, the *IESO Board* shall so advise the *technical panel*, with reasons. The *technical panel* shall, as soon as reasonably practicable following receipt of the decision of the *IESO Board*, convene to reconsider its recommendation. The *technical panel* may conduct further consultations and meetings, if any, that it determines appropriate for purposes of its reconsideration. Following such reconsideration, the *technical panel* shall submit a written report to the *IESO Board* in accordance with section 4.5.2.	In 4.5.2 the IESO submits the report. Is this different in that the TP submits this report and not the IESO?	Section 4.6.4 has been revised to provide that the IESO submits the report.
12	4.2.1 Any interested party may initiate an *amendment* or review of the *market rules* by filing a written submission (the "*amendment submission*") with the *IESO*. The *amendment submission* shall include a statement of the reasons why an *amendment* to, or review of, the *market rules* may be necessary or desirable. **Disagreement with IESO Market Manual Content –** Where a concerned party objects to the implementation of a *market rule* through its corresponding *market manual* content, that party may file an *amendment submission* proposing a change to the underlying *market rule* that would preclude the corresponding *market manual* content. *Amendment submissions* in these cases will be subject to the process set out in MR Ch.3, s.4.	Proposing the following changes to more accurately capture the MP recourse when disagreeing with MM changes that do not have an associated MR. Any interested party may initiate an amendment or review of the market rules and any associated market manuals by filing a written submission (the "amendment submission") with the IESO. The amendment submission shall include a statement of the reasons why an amendment to, or review of, the market rules may be necessary or desirable. Disagreement with IESO Market Manual Content – Where a concerned party objects to the implementation of a ~~market rule through its corresponding market a~~ change to a market manual, that party may file an amendment submission proposing a change to the underlying market rule or introducing a new market rule that would preclude the ~~corresponding~~ market manual content change. Amendment submissions in these cases will be subject to the process set out in MR Ch.3, s.4.	The IESO agrees that additional clarity can be provided about what steps a market participant should take if they disagree with market manual content. Additional changes to MM 2.3 section 11 have been made based on the suggested language. However, the IESO does not intend to explicitly reference market manuals in section 4.2.1, as this may increase market participant confusion and suggest that the process set out in section 4 applies directly to market manuals, which is not the case.
13	4.2.1 Any interested party may initiate an *amendment* or review of the *market rules* by filing a written submission (the "*amendment submission*") with the *IESO*. The *amendment submission* shall include a statement of the reasons why an *amendment* to, or review of, the *market rules* may be necessary or desirable. 4.2.2 The *IESO* may initiate an *amendment* of the *market rules* by preparing an *amendment proposal* following a stakeholder engagement of the proposed *amendment*.	Could you confirm that an IESO initiated amendment that is not done following a *stakeholder engagement* falls into the category of an amendment submission (i.e., the IESO is the interested party)	Correct. An IESO-initiated amendment that had not been developed through an IESO stakeholder engagement initiative will be treated as an amendment submission under s.4.2.1.

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14	4.3.2.1 proposed *amendments* that reflect a market design developed through an *IESO* stakeholder engagement initiative; 4.3.2.2 proposed *amendments* relating to an order of the *Ontario Energy Board;* 4.3.2.3 proposed *amendments* initiated by the *IESO Board;* and 4.3.2.4 *amendment submissions* initiated and filed by the *technical panel* following a *review notice.*	Could you clarify how 4.3.2.2, 4.3.2.3 and 4.3.2.4 are captured in section 4.2. Are they captured by 4.2.1 or exclusively by 4.8 and 4.9?	Amendments submitted by the OEB, IESO Board or Technical Panel are not initiated under 4.2 and are dealt with entirely in sections 4.8 and 4.9. The cross references in sections 4.8 and 4.9 have been revised to refer back to section 4.3 rather than 4.4.
15	4.2.2 The *IESO* may initiate an *amendment* of the *market rules* by preparing an *amendment proposal* following a stakeholder engagement of the proposed *amendment.*	Propose adding the word "initiative" after stakeholder engagement to be consistent with 4.3.2.1	We have made a slight change to the wording in s.4.3.2.1 to be consistent.
16	4.3.7 Where a proposed *amendment* warrants consideration under sections 4.3.1 or 4.3.2 the *IESO* will prepare an *amendment proposal* regarding the proposed *amendment.*	Also, should this section not identify that this proposal will go to the technical panel within some defined period?	An appropriate period of time would depend on the scale of the initiative being considered, resulting in a prescribed period of time being potentially unrealistic for any specific initiative. Nonetheless, TP members may always follow-up on the status of specific draft amendment proposals.
17	4.4.1 The *technical panel* must convene to vote whether to *publish* an *amendment proposal* for stakeholder comment. 4.4.3 The *technical panel* may elect not to *publish* an *amendment proposal* for stakeholder comment if it determines, on unanimous vote, that there have been sufficient prior opportunities for stakeholders to review and provide comment.	Confirm if this vote is a Y/N vote whether the amendment proposal should be subject to further stakeholder input or go straight to vote to recommend to the IESO Board OR Two votes – one to determine if it is ready for next step, and then another vote if the next step is for broader input or straight to vote to recommend to the IESO Board. The ToR had" Taking into consideration input from observers and the Panel, the Chair will initiate a vote to determine if the market rule amendment is ready for broader stakeholder input.", which is more the latter. In either of these cases is the first vote a "majority" vote as opposed to the second, which is identified as "unanimous"?	There is no requirement for two votes. The Technical Panel has two options. It may vote to publish an *amendment proposal* for comment under s.4.4.1. This requires a majority vote, as outlined in the Terms of Reference. Alternatively, the Technical Panel may unanimously vote under s.4.4.3 that there have been sufficient prior opportunities for stakeholder comment. Following that determination, the next step would be a vote to recommend to the IESO Board.

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18	**4.5 Vote to Recommend to the IESO Board** 4.5.1 The *technical panel* will convene to vote whether to recommend an *amendment proposal* to the *IESO Board* if:	The ToR had "The IESO will review and post all feedback received from the broader stakeholder community and publish a response to illustrate how that feedback informed the final draft market rule amendment proposal for review by the Panel." This is missing from the proposed market rules. Propose that it is included in the market rules.	The intent of section 4.4.2.2 is to commit to the publication of all non-confidential feedback received from stakeholders during the vote to post process. We have included additional edits to section 4.5.1.1 to make the sequencing of this clearer, in that it happens following the vote to post period, and before the TP vote to recommend.