

# Feedback Form

## Draft Long-Term RFQ – Posted February 28, 2022

### Feedback Provided by:

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Date: March 31, 2022

The Independent Electricity System Operator (IESO) is seeking feedback from participants on the draft Long-Term Request for Qualifications (LT1 RFQ). The LT 1 RFQ will seek to ensure that interested parties have the capability to undertake project development for the LT1 RFP and will seek to evaluate applicants both on corporate experience and employee experience.

The draft LT1 RFQ can be found on the [Long-Term RFP webpage](#).

Please provide feedback by March 31, 2022 to [engagement@ieso.ca](mailto:engagement@ieso.ca).

Please use subject header: **Draft Long-Term 1 RFQ**. To promote transparency, this feedback will be posted on the [Long-Term RFP webpage](#) unless otherwise requested by the sender.

The IESO will work to consider and incorporate comments as appropriate and post responses on the webpage.

Thank you for your contribution.

## Draft LT 1 RFQ

| <b>Topic/ RFQ Section</b>  | <b>Feedback</b>   |
|--|---|
| <b>Qualification Submission</b><br><br>Qualification Submission Fee / Section 2.7 (b)(i)   | The Qualification Submission Fee is reasonable.   |
| <b>Mandatory Requirements for Large-Scale LT1 Projects</b><br><br>Large-Scale Entity Development Experience / Section 3.2 (a)(i) | Capital Power has no concerns with respect to the proposed Mandatory Requirements with respect to (i) Entity Development Experience (ii) Individual Development Experience, or (iii) Market Operating Experience. |
| <b>Mandatory Requirements for Large-Scale LT1 Projects</b><br><br>Large-Scale Individual Development Experience / 3.2 (a)(ii)    | See above.  |
| <b>Mandatory Requirements for Large-Scale LT1 Projects</b><br><br>Market Operating Experience / 3.2 (a)(iii)                     | See above.  |
| <b>Mandatory Requirements for Small-Scale LT1 Projects</b><br><br>Small-Scale Entity Development Experience / Section 3.2 (b)(i) | NA  |
| <b>Mandatory Requirements for Small-Scale LT1 Projects</b><br><br>Small-Scale Individual Development Experience / 3.2 (b)(ii)    | NA  |
| <b>Mandatory Requirements for Small-Scale LT1 Projects</b><br><br>Market Operating Experience / 3.2 (b)(iii)                     | NA  |

## General Comments/Feedback

Capital Power appreciates the opportunity to comment on the first draft of the IESO's LT RFQ and is further appreciative of the efforts from IESO staff to advance the LTRFP process. Included below are additional comments relating to elements of the RFQ not captured by the sections referenced above.

- With respect to the IESO's definitions of expansion, is this definition intended to capture development of any resource on existing sites with existing generation? The RFQ does not define facility, and Capital Power would like to understand if the definition is intended to capture facility expansions and site expansions. As drafted, the RFQ appears to only qualify new builds for participation in the LT RFP. Capital Power is concerned that this condition will prevent many of the most cost competitive projects in Ontario from participating in the LT RFP.
- On page 5 of the document the IESO references both "*capacity-style contract*" and "*electric reliability services*". Could the IESO provide further detail regarding what is meant by these terms? It may be that subsequent stakeholder meetings have generated evolutions in approach not captured in this draft, but in the interests of avoiding confusion with respect to both the structure of the contract being tendered in the LTRFP and the product being procured, it would be helpful to use defined terms where possible. (E.g., will the contract be structured as a virtual PPA/contract for difference? Will it be procuring reliability services in addition to capacity?)
- With respect to section 2.4 and the deadlines for posting Addenda, Capital Power understands the need for the IESO to adhere to defined timelines while also permitting itself some flexibility with respect to extenuating circumstances should Addenda need to be issued on a date following the final deadline. In the event that Addenda is issued late and the IESO determines to extend the Qualification Submission Deadline, it would be in the interests of competition and fairness that any extension consider the impact of an extension on proponents and aim to preserve equal opportunity to respond to any changes made. Put another way, the extension itself should not prejudice proponents.
- Section 2.5 appears drafted for the purpose of limiting communication by proponents that could lead to an unfair advantage gained through exploiting conflicts of interest or through corruption. It is critical that RFQ processes both guard against, and enforce penalties related to findings of such offences, particularly if the acts give rise to concerns under the Competition Act and/or the Criminal Code. With respect to the specific drafting in the RFQ, there is some concern that the drafting of 2.5 could limit a proponents' legitimate and necessary engagement with government officials, IESO staff, OEB, transmitters and distributors with respect to regulations, rules, policies and guidelines. It may be helpful to first consider pre-existing prohibitions in the applicable laws and regulations in force in Canada and Ontario, and then identify conduct of concern to the IESO that falls outside of the scope of existing legal and regulatory requirements. Uncaptured conduct can then be more effectively identified and discussed to ensure that overly broad or unclear drafting doesn't limit effective participation with and between stakeholders.
- With respect to 2.11(d), could the IESO confirm whether its intent is to prohibit the communication of confidential information received by the proponent from the IESO to all

agents and advisors of the proponent? Will the IESO expect proponents to seek a waiver of confidentiality requirements prior to providing any information received to agents and advisors, or is such communication intended to be permitted under the final drafting?

Thank you again for the opportunity to provide comments and feedback on the Draft RFQ. We look forward to future engagements and ongoing advancement of the LT RFP process.