

# Feedback Form

## IESO Market Rule Amendments, Chapter 3

### Feedback Provided by:

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To promote transparency, feedback submitted will be posted on the [Market Rule Amendments, Chapter 3 engagement webpage](#) unless otherwise requested by the sender.

Following the November 21, 2023, engagement webinar, the Independent Electricity System Operator (IESO) is seeking feedback from stakeholders on items discussed. The webinar presentation and recording can be accessed from the [engagement web page](#).

**Please submit feedback to [engagement@ieso.ca](mailto:engagement@ieso.ca) by **December 5, 2023**.** If you wish to provide confidential feedback, please submit as a separate document, marked "Confidential". Otherwise, to promote transparency, feedback that is not marked "Confidential" will be posted on the engagement webpage.

# Amendments



Do you have any feedback on the market rule amendments presented and posted for stakeholder review?

Evolugen by Brookfield Renewable appreciates the opportunity to provide comments.

Re: 5.3.1.5B the disclosure of confidential information by the IESO for the purpose of enforcing the market rules;

- We understand that the disclosure of confidential information to third-parties might be necessary for the IESO to conduct investigations.
- However, please explain how and under what circumstances the IESO will apply this exception. Market Rules govern all aspects of market participants' behavior and decision-making within the IAM, which rely on commercially sensitive, contractual, and proprietary information that require protection. Market participants have just as much legal rights as the IESO and its own counterparties to safeguard such confidential information. Without clear and reasonable criteria by which the IESO would apply this exception, this proposed change could effectively grant the IESO the unilateral right to release and seek confidential information without constraint, harming market confidential and exposing all parties to legal implications.
- Further, please explain if an investigated party or any party whose confidential information is disclosed would be notified of the disclosure by the IESO, regardless of the final outcome of the investigation.
- Please also confirm if the IESO would bind a third-party who is not a market participant by NDA, if said third-party would receive confidential information due to an investigation.

Re: Table 6.6.6.

- The IESO confirmed on the November 21, 2023, call that it considered and benchmarked other jurisdictions' penalty levels when revising its own penalty amounts. Please share the benchmarking information that compares the IESO's revised penalty levels with those from other jurisdictions.

Re: 6.6.6A.3

| Item | Feedback  |
|------|---|
|      | <ul style="list-style-type: none"> <li>- In Market Rule Amendment Proposal Form MR-00480-R00, the IESO states on page 3 of 7 that: "6.6.6A.3 -Removing the Board's role in determining the higher penalty table. MACD is better placed to make this determination."</li> <li>- Under the proposed rule, please explain whether and how the Board would be involved in assessing a penalty.</li> </ul> |

### General Comments/Feedback:

We are concerned that this proposal seems to: a) expand the IESO's investigative authority with regards to confidential information, b) increase penalty levies, and c) reduce board oversight. Taken as a whole, the proposal could significantly increase the stake of disputes for market participants. As a result, the IESO could be discouraging market participants from resolving issues and incidents within the IESO's dispute resolution process, and instead choosing to elevate matters to the courts. We understand the need to update the dispute resolution framework, especially given the MRP changes to come and as markets complexify, but we urge the IESO to consider rule and manual changes that would incent the use of the dispute resolution process to arrive at a reasonable solution for all parties involved.