

BRIEFING NOTE

To: IESO LRP Group

From: Offices of the OEA

Date: Friday, August 14, 2015

cc: Shawn Cronkwright
JoAnne Butler

Subject: OEA COMMENTS ON IESO REQUIREMENTS FOR MEETING NOTICE TO NEIGHBOURING PERSONS

INTRODUCTION

This briefing note is in response to the IESO's answer to question/answer no. 60 of the *LRP I RFP Question and Comment Period 4: Submitted Questions and Responses – July 24, 2015* document; the addition to the LRP I RFP, via addendum no. 2, of section 3.2.5(d)(iii); and the consequent amendments to various prescribed forms.

The OEA's comments relate to the community engagement section of the RFP, specifically the requirements for notices of public meetings. The IESO has determined that in case of failure to deliver notice of a public community meeting to any neighbouring person(s) as specified in section 3.2.5(d)(i)(4), the registered proponent shall meet with that person(s) on an individual basis and have them confirm in writing that they were sufficiently informed about the Large Renewable Project and that they waive their right to require another public community meeting.

QUESTION

The OEA understands that the IESO interprets the word "delivered" (e.g. in section 3.2.5(d) of the RFP and in section 17 (d) of the *Prescribed Form – Registered Proponent Declaration*) to apply to any notice that is sent using commercially reasonable efforts.

Question: Can the IESO confirm that any notice of a public community meeting using *Prescribed Template – Notice of Public Community Meeting* that has been sent using commercially reasonable efforts is deemed to be delivered for the purposes of the RFP and registered proponent declarations?

OEA CONCERN

If the IESO does not deem all notices sent using commercially reasonable efforts to be "delivered" the OEA would like to express its serious concern with the two cures the IESO has proposed. Holding another public meeting – with the attendant notice requirements – would in many cases lead to the same receipt issues that were encountered in the first instance; this is therefore not an effective solution. The second option, individual meetings with landowners

and other designated persons as newly set out in RFP section 3.2.5(d)(iii), is unworkable given that many projects will be developed over large and dispersed areas of land with hundreds of neighbouring landowners/leaseholders, scores of whom, due to various circumstances, will require individual meetings and Missed Meeting Notice Confirmation forms. Aside from the high cost and time needed to conduct individual meetings, **there is no guarantee that such a meeting could even take place** given that the specified person(s) may well be located outside of Ontario (or Canada) or may be impossible to locate at all owing to the delay with which municipalities update contact information on their assessment rolls. **Indeed, we believe that these requirements are so onerous that they will simply bar entire classes of projects from proceeding.**

The OEA recognizes and supports the need to consult affected landowners in the vicinity of LRP projects. However, we also believe that it is not (or should not be) the intent of the IESO to exclude projects because some small percentage of specified persons were unreachable **despite the commercially reasonable efforts of registered proponents**, nor do we believe that removing such projects from consideration is in the interest of Ontario's electricity consumers, who are counting on a competitive procurement process with a multiplicity of applicants.

PROPOSED SOLUTION

If the IESO will not deem all notices actually sent by proponents to be "delivered", the OEA proposes an alternative solution that is both simple and in keeping with broader industry norms: **require proponents to make commercially reasonable efforts** to deliver notice of a public community meeting to neighbouring persons; if a proponent can demonstrate that they have done so then **the IESO should consider the notification requirements to be satisfied**. We believe that this solution strikes an appropriate balance between the need to notify neighbouring persons of upcoming meetings and the unreasonable effort that would otherwise be required to track down neighboring landowners who are in some cases virtually unreachable.