



February 4, 2021

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Via online submission to ero.ontario.ca

Re: ERO 019-2846, Proposed Revocation of O. Reg. 326/09: Mandatory Information Re Connections under the Electricity Act, 1998

The PWU represents the majority of the highly skilled workers in Ontario's electricity generation, and delivery sector. Attached please find a list of PWU employers.

The PWU appreciates the opportunity to submit comments and make recommendations to the Ministry of Energy, Northern Development and Mines in support of the proposed revocation of O. Reg. 326/09.

We hope you will find the PWU's comments useful.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Jeff Parnell', written in a cursive style.

Jeff Parnell
President

List of PWU Employers

Abraflex (2004) Ltd.
Alectra Utilities
Algoma Power
Aptum
Atlantic Power Corporation - Calstock Power Plant
Atlantic Power Corporation - Kapuskasing Power Plant
Atlantic Power Corporation - Nipigon Power Plant
Atura - Halton Hills Generating Station
Atura - Napanee Generating Station
Atura - Portlands Energy Centre
Atura – Brighton Beach Generating Station
Bracebridge Generation
Brookfield Power Wind Operations
Brookfield Renewable Power - Mississagi Power Trust
Bruce Power Inc.
Canadian Nuclear Laboratories
Cochrane Telecom Services
Compass Group (Bruce NPD)
Comapss Group (Pickering NGS)
Compass Group (Darlington NGS)
Corporation of the County of Brant
Covanta Durham York Renewable Energy Ltd.
Electrical Safety Authority
Elexicon Energy Inc.
Enwave Windsor
EPCOR Electricity Distribution Ontario Inc.
Erth Power Corporation
Erth Holdings Inc
Ethos Energy Inc.
Great Lakes Power (Generation)
Greenfield South Power Corporation
Grimby Power Incorporated
Halton Hills Hydro Inc.
Hydro One Inc.
Hydro One CSO
Hydro One Sault Ste. Marie
Independent Electricity System Operator
Inergi LP
InnPower
Kinectrics Inc.
Kitchener-Wilmot Hydro Inc.
Lakeland Power Distribution
Laurentis Energy Partners
London Hydro Corporation
Milton Hydro Distribution Inc.
New Horizon System Solutions
Newmarket -Tay/Midland Hydro Ltd.
Nuclear Waste Management Organization
Ontario Power Generation Inc.
Orangeville Hydro Limited
PUC Services
Quality Tree Service
Rogers Communications (Kincardine Cable TV Ltd.)
Sioux Lookout Hydro Inc.
SouthWestern Energy
Synergy North Corporation
Tillsonburg Hydro Inc.
Toronto Hydro
TransAlta Generation Partnership O.H.S.C.
Westario Power

Proposed Revocation of O. Reg. 326/09: Mandatory Information Re: Connections of Renewable Generation Facilities, *Electricity Act, 1998*

PWU Submission to MENDM

The Power Workers' Union (PWU) is pleased to submit comments and make recommendations to the Ministry of Energy, Northern Development and Mines (MENDM) regarding the proposed revocation of Ontario Regulation 326/09 (O.Reg.326/09). The PWU is a strong supporter and advocate for the prudent and rational reform of Ontario's electricity sector and recognizes the importance of planning for low-cost, low-carbon energy solutions to enhance the competitiveness of Ontario's economy.

"O. Reg. 326/09 – Mandatory Information Re: Connections of Renewable Generation Facilities" was developed in conjunction with others to implement the intent of the *Green Energy Act, 2009 (GEA)*. It promoted and prioritized renewable generation; set preferential timelines for the required grid connection assessments; prescribed the information requirements for local distribution companies (LDCs); and required the Independent Electricity System Operator (IESO) to provide monthly reporting.

The Ontario Government is now proposing to revoke this regulation, effectively making connection assessment timelines, and reporting requirements for renewable generation the same as those for other types of generation.

The PWU supports MENDM's proposed direction as O. Reg. 326/09 is causing stakeholder confusion in the related Distributed Energy Resources (DER) consultations (e.g. the Ontario Energy Board's (OEB) DER Connection Review), and is part of a broader problem where legacy language and regulations from the *GEA* remain in force. The PWU recommends that the MENDM:

1. Proceed with the revocation of "O. Reg. 326/09 – Mandatory Information Re: Connections"; and,
2. Conduct a full review of the current legislative and regulatory framework for legacy regulations and language previously added to promote and prioritize the objectives of the *GEA* regarding renewable energy.

Recommendation 1: Proceed with the revocation of "O. Reg. 326/09 – Mandatory Information Re: Connections"

In 2018, the Ontario government ended preferential and promotional support for renewable generation with its passage of the *Green Energy Repeal Act (GERA)*. However, some regulations still require updating to better reflect the policy change. The PWU recommended a review of these regulations in a previous submission.¹ Revoking O. Reg. 326/09 would further align regulations with the Government's policy direction.

O. Reg. 326/09 also creates ambiguity with respect to DER connections. There is no regulation in place that defines how DER installations should be classified. Currently, the interpretation of O. Reg. 326/09 may extend the classification of "renewables" to include DERs, even though the connection process is no longer being directed by the *GEA*. A lack of clarity exists with respect to whether there is any obligation to connect DERs or facilitate them by providing detailed information to proponents

¹ PWU Submission to MENDM, Changes to Ontario's Net Metering Regulation to Support Community-Based Energy Systems

at the expense of ratepayers. Revoking O. Reg. 326/09 will help resolve such ambiguities.

Recommendation 2: Conduct a full review of the legislative and regulatory framework for legacy regulations and language previously added to promote and prioritize the objectives of the GEA regarding renewable energy.

In addition to O. Reg. 326/09, similar ambiguity persists in the language of other electricity-related legislation and regulations emanating from the now-revoked *GEA*'s preferential support for renewable energy.² However, these regulatory documents have not all been updated thereby leaving significant confusion (e.g., the obligation to connect resources). Ontario's Distribution System Code (DSC) does not define "distributed energy resources" and instead refers only to "renewables" of different installation sizes.

This uncertainty is complicating and creating issues in several ongoing DER-related stakeholder consultations, including: the MENDM's Community Net Metering consultation;³ the OEB's DER Connection Review; the OEB's Utility Renumeration and Responding to DER consultation; and, the IESO DER White Paper. The aforementioned legacy language regarding "renewables" continues to lead to regulatory interpretations that provide preferential treatment for DER connections that, in turn, is likely to increase electricity costs to ratepayers.⁴

We recognize that the Ontario Government has already taken steps to resolve these issues such as the recent changes to the *Ontario Energy Board Act*.⁵ A full government review of the current legislative and regulatory framework for similar legacy language would be to the benefit of all ratepayers. This should be coordinated with IESO and the OEB, who have responsibility over the Market Rules and the DSC, respectively.

Closing

The PWU has a successful track record of working with others in collaborative partnerships. We remain committed to continuing to work with the Ministry of Energy, Northern Development and Mines and other energy stakeholders to strengthen and modernize Ontario's electricity system. The PWU is committed to the following principles: Create opportunities for sustainable, high-pay, high-skill jobs; ensure reliable, affordable, environmentally responsible electricity; build economic growth for Ontario's communities; and, promote intelligent reform of Ontario's energy policy.

We believe these recommendations are consistent with, and supportive of Ontario's objectives to supply low-cost, low-carbon, and reliable electricity for all Ontarians. The PWU looks forward to discussing these comments in greater detail with the Ministry of Energy, Northern Development and Mines and participating in the ongoing stakeholder engagements.

² This framework is formed by documents such as the IESO Market Rules; the Distribution System Code (DSC); the Ontario Electricity Act, 1998; and the OEB Act, 1998.

³ PWU Submission to MENDM, Changes to Ontario's Net Metering Regulation to Support Community-Based Energy Systems

⁴ PWU Submission to MENDM, Changes to Ontario's Net Metering Regulation to Support Community-Based Energy Systems

⁵ Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020, S.O. 2020, c. 36 - Bill 229