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Via online submission to ero.ontario.ca

Re: ERO 019-2848, Proposed Revocation of O. Reg. 274/18, Siting Restrictions for Renewable Energy Generation Facilities

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. 274/18.

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

Yours very truly,

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. 274/18: Siting Restrictions for Renewable Energy Generation Facilities PWU Submission to MENDM

The Power Workers' Union (PWU) is pleased to submit comments and make recommendations to the Ministry of Energy, Northern Developments and Mines (MENDM) regarding the proposed revocation of Ontario Regulation 274/18 (O. Reg. 274/18). 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. 274/18 – Siting Restrictions for Renewable Energy Generation Facilities" placed provincial siting restrictions on renewable energy facilities with respect to residential areas and agricultural land to complement other existing environmental regulations regarding siting.

On June 1st, 2019, the *Green Energy Repeal Act, 2019 (GERA)* gave municipalities planning authority over the siting of new projects via amendments to the *Planning Act*. Municipal approval processes now address the siting concerns that were previously addressed by the O. Reg 274/18.

Following these two aforementioned regulatory changes, O. Reg. 274/18 continued to apply to some projects during a transition period, which ended on August 31st, 2019. With the expiration of this transition period, the Ontario Government now proposes to revoke O. Reg. 274/18, given its redundancy.

The PWU agrees that the regulation is redundant, and its revocation also helps address part of the broader problems posed by the remaining legacy language and regulations related to the *Green Energy Act, 2009 (GEA)*. The PWU recommends that the MENDM:

1. Proceed with the revocation of "O. Reg. 274/18 – Siting Restrictions for Renewable Energy Generation Facilities"; 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. 274/18: Siting Restrictions for Renewable Energy Generation Facilities"

The Ontario Government has implemented the *Green Energy Repeal Act, 2019 (GERA)* and amended the *Planning Act* providing municipalities with the authority over the siting of new renewable energy generation facilities. O. Reg. 274/18 is now redundant and should be revoked.

Recommendation 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.

In addition to O. Reg. 274/18, 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.¹ However, these regulatory documents have not been updated thereby leaving significant confusion (e.g., the obligation to connect resources). Ontario's Distribution System Code (DSC) does not

¹ 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.

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;² the OEB’s DER Connection Review; the OEB’s Utility Remuneration 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, are increasing electricity costs to ratepayers.³

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

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

⁴ Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020, S.O. 2020, c. 36 - Bill 229