

From: Terry Young
Sent: August 16, 2019 9:07 AM
To: Colin Anderson; Rachel Ingram
Cc: Michael Lyle
Subject: RE: AEMA / AMPCO Legal Brief Regarding Transitional Capacity Auction

Colin and Rachel:

Two further points for you following our discussion Wednesday at SAC on the timing of the posting of the legal brief.

First of all, as you may know the Technical Panel at its June 25 meeting requested that the draft Transitional Capacity Auction rules be posted for stakeholder comments. The deadline for submitting comments was July 9 and I would note that both AEMA and AMPCO provided comments prior to the deadline. The legal brief was subsequently submitted to us on July 19.

My second point is related to the email below and in particular the second last paragraph (highlighted) where the intent for posting was requested but no date was sought, nor was any reference made to the need for this posting prior to the Technical panel meeting being held. Rather, the request was to discuss, at our convenience, the timing of the posting. At no point did you make the request that TP be provided with the Legal Brief and in fact it was IESO staff that reached out to you to ask whether it should be provided to TP members.

We reached out to you about sharing the brief with TP on August 9 and we did schedule a meeting for August 12 and subsequently posted the material after the meeting. As I mentioned at the SAC meeting, the TP Chair also offered to delay the vote if the TP needed more time to review the letter but the TP declined that offer.

Terry

From: Colin Anderson <canderson@ampco.org>
Sent: July 19, 2019 10:30 AM
To: Peter Gregg <Peter.Gregg@ieso.ca>; Leonard Kula <leonard.kula@ieso.ca>; Terry Young <terry.young@ieso.ca>
Cc: Griffiths, Sarah (Enel X) <sarah.griffiths@enel.com>; Rachel Ingram <rachel.ingram@rodanenergy.com>; katherine@38northsolutions.com
Subject: AEMA / AMPCO Legal Brief Regarding Transitional Capacity Auction

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Hi Peter, Leonard and Terry,

Please find attached a legal brief written by Gowling WLG and jointly sponsored by the Advanced Energy Management Alliance (AEMA) and the Association of Major Power Consumers in Ontario (AMPCO), pursuant to each organization's involvement on the Demand Response Working Group (DRWG) and in the design of the Transitional Capacity Auction (TCA). It deals with the issue of unjust discrimination that will result from the implementation of the TCA as currently planned.

The brief clearly sets out the discrimination issue from a legal perspective, and provides a simple recommendation to remedy the problem. Given the IESO's announcement this week that it is suspending work on the Incremental Capacity Auction (ICA) as a result of an updated forecast which sees no resource constraints for the foreseeable future, there is no justification for rushing to TCA implementation prior to resolution of the recognized concerns regarding just and reasonable energy market compensation for Demand Response (DR) resources. AEMA and AMPCO are urging the IESO to defer TCA implementation to enable resolution of the DR energy market compensation issue and thus focus on getting the TCA right from its initiation, rather than undermining the historical successes of the DR Auction.

We are providing you with an advance copy of this brief so that you can review its content prior to any further action. Ultimately, we would like to post this in the public domain, but we are happy to discuss the timing of that with you, at your convenience.

AEMA and AMPCO are pleased to provide this brief to the IESO and we hope that it is found to be instructive and helpful. AEMA and AMPCO look forward to continuing to work with the IESO going forward.

Regards,
AEMA and AMPCO