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May 16, 2024

Via Email

Nancy Marconi
Registrar
Ontario Energy Board
2300 Yonge Street
Suite 2700
Toronto, ON M4P 1E4

Application to amend electricity storage licence ES-2022-0092 (“Licence”)

Dear Registrar:

We write on behalf of our client, Aypa Power Canada LP (“**Aypa**”). Aypa hereby respectfully applies pursuant to subsection 74(1)(b) of the *Ontario Energy Board Act* (“**Act**”) for an amendment to add certain Facilities (as defined below) to Schedule 1 of its Licence, consistent with the blackline enclosed as Appendix A to this letter.¹ There are no other requested amendments to the Licence.

Aypa is, among other things, an owner and operator of a fleet of embedded energy storage facilities that provide behind the meter services to certain distribution load customers. The respective names, addresses, capacity, owner and operator information for each of the Facilities are included in Appendix A to this letter. None of the Facilities are the subject of a Feed-in-Tariff contract or any other power purchase agreement with the IESO. All of the Facilities are operated by Aypa. Three of the Facilities are owned by Aypa subsidiaries and all other Facilities are owned directly by Aypa. Attached as Appendix B to this letter is an organizational chart showing Aypa’s corporate structure.

The IESO is currently engaged in the evolution of the participation framework for electricity storage to potentially provide for fuller integration of electricity storage into the Ontario wholesale electricity markets (i.e. energy and operating reserve) and grid.² In order to further explore these potential opportunities, Aypa is seeking to add the Facilities to its Licence.

Increased participation by the Facilities in the IESO-administered markets and programs promotes the use of alternative energy sources and renewable energy sources consistent with the policies

¹ Commercial operation of the facilities listed at numbers 25 to 30 to Schedule 1 is expected to occur by June 2025.

² IESO Market Manual Part 1.5: Market Registration Procedures (Issue 9.0 – June 7, 2023), subsection 3.11.

of the Government of Ontario³, and facilitates innovation generally^{4,5} For these reasons, Aypa respectfully submits this application for a Licence amendment is in the public interest and consistent with the objectives of the OEB and the purposes of the Ontario *Electricity Act*, and therefore meets the requirements under subsection 74(1) of the Act.

Aypa submits no one will be adversely affected in a material way by the OEB's decision regarding this application, and therefore requests the OEB exercise its authority under subsection 21(4)(b) of the OEB Act to dispose of this application without a hearing.

If and once the amended Licence is issued, Aypa undertakes to provide a copy to the IESO pursuant to its obligations under the IESO market rules.

Please do not hesitate to contact the undersigned with any questions.

Thank you for your timely consideration.

Yours truly,

McCarthy Tétrault LLP

Per:



Reena Goyal

Counsel

RG/jk

Cc: Christie Kneteman, Executive Vice President & General Counsel, Aypa Power
Suzanne Murphy, Partner, McCarthy Tétrault LLP
Kerri Lui, Partner, McCarthy Tétrault LLP

³ Ontario *Electricity Act*, subsection 1(d).

⁴ Ontario *Energy Board Act*, subsection 1(1)4.

⁵ See, for example, Chapter 3 of the Province of Ontario's 2023 *Powering Growth Plan: Ontario's Plan for a Clean Energy Future*; and Directive from the Ministry of Energy to the IESO dated October 7, 2022.

APPENDIX A

[See attached.]



Electricity Storage Licence

ES-2022-0092

Aypa Power Canada LP

Valid Until

April 13, 2042

Original Signed By

Brian Hewson
Vice President, Consumer Protection & Industry Performance
Ontario Energy Board
Date of Issuance: April 14, 2022

Ontario Energy Board
P.O. Box 2319
2300 Yonge Street
27th Floor
Toronto, ON M4P 1E4

Commission de l'énergie de l'Ontario
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1 Definitions

In this Licence:

“**Act**” means the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, Schedule B;

“**Electricity Act**” means the *Electricity Act, 1998*, S.O. 1998, c. 15, Schedule A;

“**Licensee**” means Aypa Power Canada LP.;

“**regulation**” means a regulation made under the Act or the Electricity Act;

“**storage facility**” means a facility that is connected to a Transmission or Distribution System and is capable of withdrawing electrical energy from the Transmission or Distribution System (i.e. charging), and then storing such energy for a period of time, and then re-injecting only such energy back into the Transmission or Distribution System, minus any losses (i.e. discharging).

2 Interpretation

- 2.1 In this Licence words and phrases shall have the meaning ascribed to them in the Act or the Electricity Act. Words or phrases importing the singular shall include the plural and vice versa. Headings are for convenience only and shall not affect the interpretation of this Licence. Any reference to a document or a provision of a document includes an amendment or supplement to, or a replacement of, that document or that provision of that document. In the computation of time under this Licence where there is a reference to a number of days between two events, they shall be counted by excluding the day on which the first event happens and including the day on which the second event happens. Where the time for doing an act expires on a holiday, the act may be done on the next day that is not a holiday.

3 Authorization

- 3.1 The Licensee is authorized, under Part V of the Act and subject to the terms and conditions set out in this licence:
- a) to generate electricity or provide ancillary services for sale through the IESO-administered markets or directly to another person subject to the conditions set out in this Licence. This Licence authorizes the Licensee only in respect of those facilities set out in Schedule 1;
 - b) to purchase electricity or ancillary services in the IESO-administered markets or directly from a generator subject to the conditions set out in this Licence; and
 - c) to sell electricity or ancillary services through the IESO-administered markets or directly to another person, other than a consumer, subject to the conditions set out in this Licence.
- 3.2 The Licensee is authorized to conduct business in the name under which this Licence is issued, or any trade name(s) listed in Schedule 2.

4 Obligation to Comply with Legislation, Regulations and Market Rules

- 4.1 The Licensee shall comply with all applicable provisions of the Act and the Electricity Act, and regulations under these acts, except where the Licensee has been exempted from such compliance by regulation.
- 4.2 The Licensee shall comply with all applicable Market Rules.

5 Obligation to Maintain System Integrity

- 5.1 Where the IESO has identified, pursuant to the conditions of its licence and the Market Rules, that it is necessary for purposes of maintaining the reliability and security of the IESO-controlled grid, for the Licensee to provide energy or ancillary services, the IESO may require the Licensee to enter into an agreement for the supply of energy or such services.
- 5.2 Where an agreement is entered into in accordance with paragraph 5.1, it shall comply with the applicable provisions of the Market Rules or such other conditions as the Board may consider reasonable. The agreement shall be subject to approval by the Board prior to its implementation. Unresolved disputes relating to the terms of the Agreement, the interpretation of the Agreement, or amendment of the Agreement, may be determined by the Board.

6 Restrictions on Certain Business Activities

- 6.1 Neither the Licensee, nor an affiliate of the Licensee shall acquire an interest in a transmission or distribution system in Ontario, construct a transmission or distribution system in Ontario or purchase shares of a corporation that owns a transmission or distribution system in Ontario except in accordance with section 81 of the Act.

7 Provision of Information to the Board

- 7.1 The Licensee shall maintain records of and provide, in the manner and form determined by the Board, such information as the Board may require from time to time.
- 7.2 Without limiting the generality of paragraph 7.1 the Licensee shall notify the Board of any material change in circumstances that adversely affects or is likely to adversely affect the business, operations or assets of the Licensee, as soon as practicable, but in any event no more than twenty (20) days past the date upon which such change occurs.

8 Term of Licence

- 8.1 This Licence shall take effect on April 14, 2022 and expire on April 13, 2042. The term of this Licence may be extended by the Board.

9 Fees and Assessments

- 9.1 The Licensee shall pay all fees charged and amounts assessed by the Board.

10 Communication

- 10.1 The Licensee shall designate a person that will act as a primary contact with the Board on matters related to this Licence. The Licensee shall notify the Board promptly should the contact details change.
- 10.2 All official communication relating to this Licence shall be in writing.
- 10.3 All written communication is to be regarded as having been given by the sender and received by the addressee:
- a) when delivered in person to the addressee by hand, by registered mail or by courier;
 - b) ten (10) business days after the date of posting if the communication is sent by regular mail; or
 - c) when received by facsimile transmission by the addressee, according to the sender's transmission report.

11 Copies of the Licence

- 11.1 The Licensee shall:
- a) make a copy of this Licence available for inspection by members of the public at its head office and regional offices during normal business hours; and
 - b) provide a copy of this Licence to any person who requests it. The Licensee may impose a fair and reasonable charge for the cost of providing copies.

SCHEDULE 1 LIST OF LICENSED STORAGE FACILITIES

The Licence authorizes the Licensee only in respect to the following:

1. The ownership by Monarch LP and operation of by Aypa Power Canada LP's of Monarch LP's storage facility with an installed capacity of 2 MW and located at 2335 Speers Rd, Oakville, Ontario.
2. The ownership by Aypa Power GL LP and the operation by Aypa Power Canada LP of Aypa Power GL LP's storage facility with an installed capacity of 2 MW and located at 7200 Martin Grove Road, Woodbridge, Ontario.
3. The ownership by ORS LP and the operation by Aypa Power Canada LP of ORS LP's storage facility with an installed capacity of 700 kW and located at 450 Thomas Street, Ingersoll, Ontario.
4. The ownership and operation of Aypa Power Canada LP's storage facility with an installed capacity of 800 kW and located at 5300 Tomken Road, Mississauga, Ontario.
5. The ownership and operation of Aypa Power Canada LP's storage facility with an installed capacity of 600 kW and located at 400 Humberline Drive, Etobicoke, Ontario.
6. The ownership and operation of Aypa Power Canada LP's storage facility with an installed capacity of 2.25 MW and located at 1770 Fiddlers Green Road, Ancaster, Ontario.
7. The ownership and operation of Aypa Power Canada LP's storage facility with an installed capacity of 4 MW and located at 115 Sinclair Blvd., Brantford, Ontario.
8. The ownership and operation of Aypa Power Canada LP's storage facility with an installed capacity of 1.1 MW and located at 10 Cuddy Blvd., London, Ontario.
9. The ownership and operation of Aypa Power Canada LP's storage facility with an installed capacity of 1.3 MW and located at 10 Cuddy Blvd., London, Ontario.
10. The ownership and operation of Aypa Power Canada LP's storage facility with an installed capacity of 4 MW and located at 1506 Wentworth Street, Whitby, Ontario.
11. The ownership and operation of Aypa Power Canada LP's storage facility with an installed capacity of 2.6 MW and located at 313 Menno St RR 2, Breslau, Ontario.
12. The ownership and operation of Aypa Power Canada LP's storage facility with an installed capacity of 2.5 MW and located at 230 Universal Rd, Woodstock, Ontario.
13. The ownership and operation of Aypa Power Canada LP's storage facility with an installed capacity of 750 kW and located at 8807 Simcoe County Rd 56, Utopia, Ontario.
14. The ownership and operation of Aypa Power Canada LP's storage facility with an installed capacity of 1.4 MW and located at 500 Church St, Penetanguishene, Ontario.
15. The ownership and operation of Aypa Power Canada LP's storage facility with an installed capacity of 3.5 MW and located at 1010 Plank Road, Sarnia, Ontario.

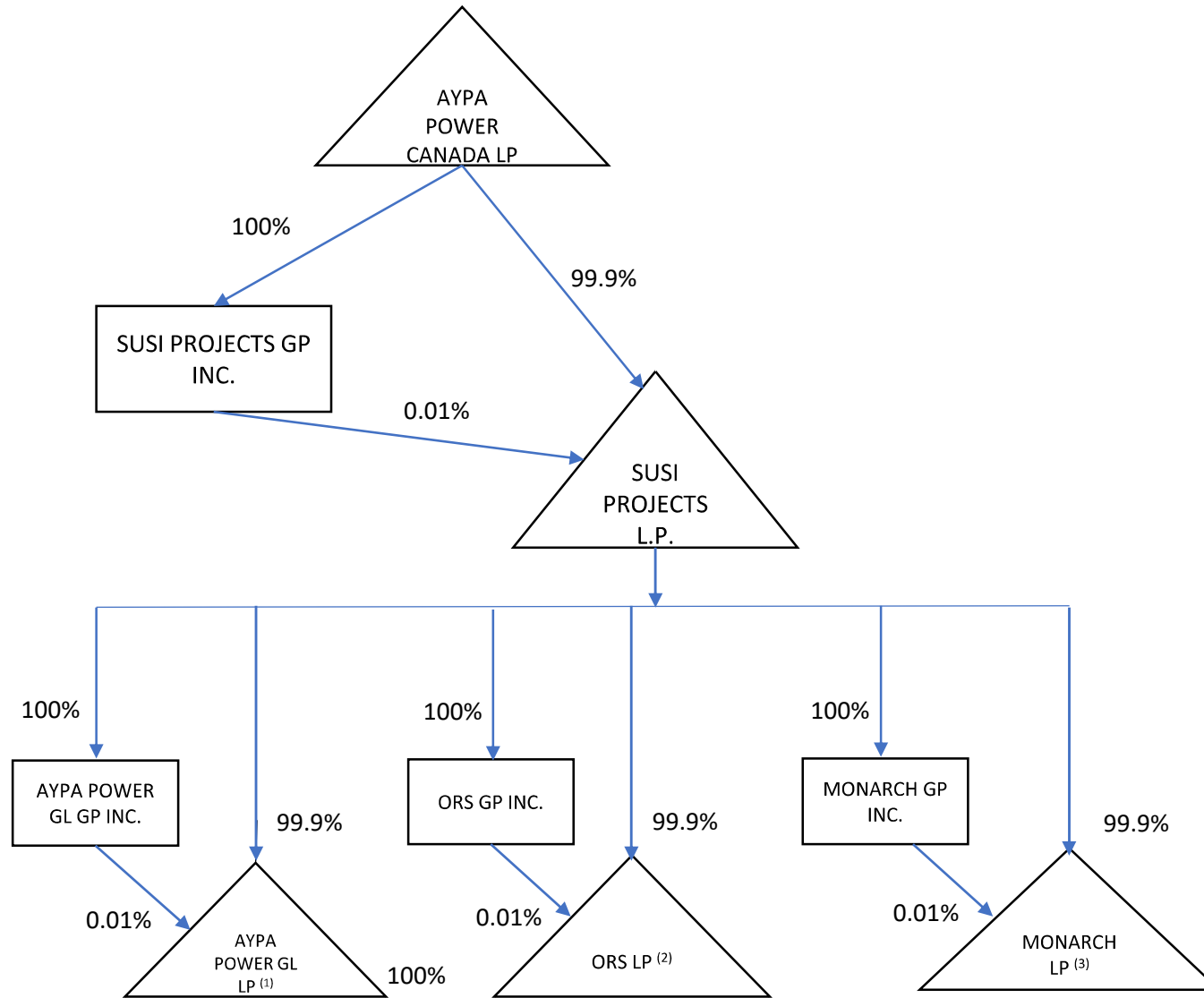
16. The ownership and operation of Aypa Power Canada LP's storage facility with an installed capacity of 1 MW and located at 2337 Parkedale Ave, Brockville, Ontario.
17. The ownership and operation of Aypa Power Canada LP's storage facility with an installed capacity of 3.2 MW and located at 8 Hagey Ave, Fort Erie, Ontario.
18. The ownership and operation of Aypa Power Canada LP's storage facility with an installed capacity of 2 MW and located at 443 Wismer St, Waterloo, Ontario.
19. The ownership and operation of Aypa Power Canada LP's storage facility with an installed capacity of 2.4 MW and located at 501 College Street East, Belleville, Ontario.
20. The ownership and operation of Aypa Power Canada LP's storage facility with an installed capacity of 2.3 MW and located at 25 Erb Street, Elmira, Ontario.
21. The ownership and operation of Aypa Power Canada LP's storage facility with an installed capacity of 2.5 MW and located at 5675 Kennedy Rd, Mississauga, Ontario.
22. The ownership and operation of Aypa Power Canada LP's storage facility with an installed capacity of 1.1 MW and located at 510 Finley Ave, Ajax, Ontario.
23. The ownership and operation of Aypa Power Canada LP's storage facility with an installed capacity of 1.2 MW and located at 510 Finley Ave, Ajax, Ontario.
24. The ownership and operation of Aypa Power Canada LP's storage facility with an installed capacity of 3.5 MW and located at 3 Carlingview Dr, Etobicoke, Ontario.
25. The ownership and operation of Aypa Power Canada LP's storage facility with an installed capacity of 1 MW and located at 40 Bertrand Ave, Scarborough, Ontario.
26. The ownership and operation of Aypa Power Canada LP's storage facility with an installed capacity of 850 kW and located at 38 Middleton St, Brantford, Ontario.
27. The ownership and operation of Aypa Power Canada LP's storage facility with an installed capacity of 1.5 MW and located at 341 Erie St, Stratford, Ontario.
28. The ownership and operation of Aypa Power Canada LP's storage facility with an installed capacity of 3 MW and located at 703 Douro St, Stratford, Ontario.
29. The ownership and operation of Aypa Power Canada LP's storage facility with an installed capacity of 2.25 MW and located at 5 Bermondsey Road, East York, Ontario.
30. The ownership and operation of Aypa Power Canada LP's storage facility with an installed capacity of 2.15 MW and located at 277 Gladstone Ave, Toronto, Ontario.

SCHEDULE 2 AUTHORIZED TRADE NAMES

1. None

APPENDIX B

[See attached.]



- (1) Aypa Power GL LP owns a storage facility with an installed capacity of 2 MW and located at 7200 Martin Grove Road, Woodbridge, Ontario.
- (2) ORS LP owns a storage facility with an installed capacity of 700 kW and located at 450 Thomas Street, Ingersoll, Ontario.
- (3) Monarch LP owns a storage facility with an installed capacity of 2 MW and located at 2335 Speers Rd, Oakville, Ontario.