

NATIONAL ENERGY BOARD

IN THE MATTER OF section 119.03 of the *National Energy Board Act* (the "Act"), and in accordance with section 9 of the *National Energy Board Electricity Regulation* made thereunder; and

AND IN THE MATTER OF an application by the Ontario Independent Electricity System Operator (the "IESO") for renewal of its permit authorizing the IESO to export electricity at points on the international boundary between Canada and the United States for the purpose of providing emergency assistance to neighbouring jurisdictions in the United States.

AFFIDAVIT OF MIRIAM HEINZ (sworn November 4, 2016)

I, **Miriam Heinz**, of the City of Toronto in the Province of Ontario, **MAKE OATH AND SAY**:

1. I am a Senior Regulatory Advisor with the IESO, and as such have knowledge of the matters hereinafter deposed to.
2. The National Energy Board (the "Board") Memorandum of Guidance, in particular the Procedures for Processing Export and International Power Line Applications (the "Procedure") under the Act, sets out the General Public Notice Requirements pertaining to applications for authorization to export electricity or to construct and operate an international power line. The Procedure also sets out certain provisions permitting applicants to request a variance and propose an alternative to the requirement to publish the Notification of Application and Directions on Procedure ("NOA/DOP") in the largest general circulation English and French language newspapers.
3. On May 4, 2006, in response to the IESO requested relief of the Board from the requirement to publish the NOA/DOP in English and French language newspapers in respect of the IESO's application, the Board informed the IESO that, given its specific mandate and limited participation in the export market, it would be appropriate for the IESO to publish the application as follows:
 - i. send each registered market participants by email a copy of the NOA/DOP, in both official languages, on the same date (insofar as it is possible to do so) as publication occurs in the Canada Gazette, Part I;

- ii. post the NOA/DOP, in both officially languages, on its website on the same date (in so far as it is possible to do so) as publication occurs in the Canada Gazette, Part I;
- iii. send to each of the 5 000 subscribers on the IESO's general email notification service a copy of the NOA/DOP, in both official languages, by email on the same date (in so far as it is possible to do so) as publication occurs in the Canada Gazette, Part I; and
- iv. file with the Board an affidavit confirming the emails have been sent to all registered market participants and subscribers to the general email notification service, attaching the form of email NOA/DOP, in both official languages, that was sent to each person, and providing the link to the IESO's public webpage on which the NOA/DOP has been posted in both official languages.

A copy of the Board's letter is attached hereto as **Exhibit A**.

4. On October 17, 2016 the IESO received a letter of direction from the National Energy Board in response to its application dated 20 July 2016 to the National Energy Board (Board or NEB) for a 10-year permit to export emergency power and energy ("Application"). The Board's letter addresses the IESO's request for NOA/DOP publication variance and directs the IESO with respect to publication and service ("Letter of Direction").

5. The General Public Notice Requirements directs that-in all cases-applicants requesting authorization to export electricity or to construct and operate an international power fine shall publish the NOA/DOP, in both official languages, in the Canada Gazette, Part I, in accordance with section 58.12 or 119.04 of the Act. As set out on page 2 of the Letter of Direction the IESO re-published its NOA/DOP in the Canada Gazette, Part I on October 29, 2016 allowing interested parties until November 30, 2016 to file submissions on the IESO's application, and the IESO until December 15, 2016 to file a response. Attached hereto, as part of **Exhibits B, C, and E** are true copies of the English and French versions of the NOA/DOP as they appear in the October 29, 2016, Canada Gazette Part I, Vol. 150, No. 44.

6. As set out on page 2 of the Letter of Direction, and as soon as it was possible to do so, on October 31, 2016 the IESO sent an email to each registered market participant attaching a copy of the NOA/DOP in both English and French. Attached as **Exhibit B** are true copies of the email, the NOA/DOP, and the list of market and program participants that the October 31, 2016 email was sent to.

7. The "IESO Bulletin" is published on a weekly basis and is sent by email to all registered market participants and to over 5 000 subscribers. As set out on page 2 of the Letter of Direction, and as soon as it was possible to do so, on November 3, 2016 the IESO's Bulletin was to all registered market participants and to over 5 000 subscribers. Included in the

November 3, 2016 Bulletin was advice of the IESO's Application and a copy of the NOA/DOP in both English and French attached. The Bulletin contained a weblink to the IESO's public webpage on which the NOA/DOP is posted in both English and French. Attached as **Exhibit C** are true copies of the email Bulletin, the NOA/DOP, and an email confirming the distribution list to whom the November 3, 2016 Bulletin was sent.

8. As set out on page 2 of the Letter of Direction, and as soon as it was possible to do so, the IESO posted its NOA/DOP in both official languages to IESO's website on October 31, 2016. A copy of the NOA/DOP as it appears on the IESO's public website (screenshot) is attached hereto as **Exhibit D**. The weblink to the NOA/DOP can be accessed here: <http://www.ieso.ca/Pages/About-the-IESO/Corporate-Reporting.aspx>

9. The General Public Notice Requirements also directs that-in addition to the requirements specified in paragraph 5 above-for electricity export applications by applicants with service areas and/or who own generation, or their affiliates, for other than border accommodation transfers, applicants are directed to serve a copy of their application and NOA/DOP on each utility from which exports are proposed, and on directly interconnected Canadian utilities and on those transmission utilities in Canadian service areas from which exports to the United States are proposed. As set out on page 2 of the Letter of Direction, on November 1, 2016 the IESO served a copy of the application and NOA/DOP, by way of electronic email, on Ms. Jennifer Moroz, Manitoba Hydro, Stéphane Verret, Hydro-Québec TransÉnergie, and Joseph Agostino, Hydro One. Attached as **Exhibit E** are true copies of the emails, the Application, and the NOA/DOP as sent directly to the interconnected Canadian utilities.

SWORN BEFORE ME at the City of
Toronto, in the Province of Ontario,
on **November 4, 2016**.

(Original Signed)

(Original Signed)

Commissioner for Taking Affidavits
Anita Joshi

Miriam Heinz

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This is **Exhibit “C”** referred to in the Affidavit of
Publication and Service of Miriam Heinz, sworn before me this
4th day of November 2016

Commissioner for taking affidavits

A handwritten signature in dark ink, appearing to read "Anita Joshi". It is written in a cursive style with a horizontal line underneath it.

Anita Joshi
Senior Legal Counsel
Planning, Legal, Indigenous Relations and Regulatory Affairs
Independent Electricity System Operator

From: IESO
To: [IESO Recipient](#)
Subject: IESO Bulletin - November 3, 2016
Date: November 03, 2016 4:43:02 PM
Attachments: [NOA DOP Oct 29, 2016 Vol. 150 No. 44 - excerpt.pdf](#)

IESO Bulletin

Important news, notices, updates and events emailed directly to you every Thursday.

In this issue:

Engagement

- Conservation Framework Mid-Term Review draft engagement plan and Advisory Group
- Market Renewal engagement meeting
- Brant Load Demand Response Pilot - webinar

Program Update

- FIT Program to accept applications beginning November 7

Market and System Operations

- Application to National Energy Board to renew the IESO's Emergency Export Permit
- Comments invited on market rule exemption recommendations

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Upcoming Events

Engagement

Conservation Framework Mid-Term Review draft engagement plan and Advisory Group

The IESO will be conducting a Mid-term Review of the 2015 to 2020 Conservation First Framework (CFF) and Industrial Accelerator Program that will inform potential approaches to achieving conservation objectives through to 2020 and beyond.

The Mid-term Review will be informed by an engagement initiative that will allow stakeholders and communities to provide input on the review framework that will focus on energy savings targets, budgets, progress, lessons learned (on cost recovery, performance incentive mechanisms and CDM contribution to regional planning), and alignment with Ontario's [Climate Change Action Plan](#). The IESO will seek a third party consultant through a competitive procurement process, to support the IESO with completion of the mid-term review.

An early draft of the approach for the Mid-term Review was discussed with LDCs and the Conservation First Implementation Committee (CFIC) and at June regional meetings. The [plan](#) was updated with LDC feedback and reviewed at the August meeting of the IESO Stakeholder Advisory Committee (SAC). Based on feedback received from LDCs and members of the SAC, the Mid-term Review will begin in Q1 2017, and complete in Q1 2018. This schedule will allow for more CFF results and implementation experience to be included in the study.

In addition, an Advisory Group will be formed to supplement broader engagement efforts, by tackling more detailed discussions, and will consist of a limited number of representatives within the following categories:

- five consumers (representing a mix of sectors, and distribution/transmission connected customers);
- five LDCs (selection will focus on different size utilities and different regions and progress towards CFF targets);
- two consultants, service providers/delivery agents and/or product manufacturers that are engaged in CDM; and,
- IESO (Chair plus staff support).

At this time, interested participants are invited to email their biography to engagement@ieso.ca by November 23, and outline how their qualifications can contribute to the Advisory Group objectives as outlined in the proposed [Terms of Reference](#).

The Advisory Group may also include registered observers from:

- natural gas utilities
- industry/customer associations

- Environmental Commissioner's Office
- Ontario Energy Board
- Ministry of Energy

A draft [Terms of Reference](#) for the advisory group and a [draft engagement plan](#) are posted and open for comment on the [engagement webpage](#).

Market Renewal engagement meeting

The next meeting for the Market Renewal Stakeholder Engagement will be held as a webinar on November 23 from 1-3pm. During this session, the IESO and consultants from the Brattle Group will provide a status update on the activities of the Market Renewal Working Group, the proposed approach for the development of a Benefits Case and next steps in the engagement. Stakeholders interested in participating in the webinar can contact engagement@ieso.ca for further details and to register.

Brant Local Demand Response Pilot –Webinar

A reminder to stakeholders with an interest in the Brant Local Demand Response Pilot that the IESO will be hosting a webinar on November 8 from 1:00-3:00pm to provide an overview of the RFP and Service Agreement. Stakeholders interested in participating in this webinar can click [here](#) to register. The draft Request for Proposals ([RFP](#)), draft Service Agreement and related timelines for the Brant Local Demand Response Pilot have been posted on the Pilot's Engagement [webpage](#) for stakeholder review. Please provide feedback in respect of the RFP to engagement@ieso.ca by November 14.

Programs

FIT Program to accept applications beginning November 7

The IESO will start accepting applications for FIT projects on November 7, 2016, at 11am, until November 25, 2016, at 11:59:59 p.m. (EPT). The application period was postponed from the original start date of October 31, 2016, due to a technical error that has now been resolved.

FIT projects have a proposed capacity of more than 10 kilowatts (kW) and generally up to 500 kW. The FIT 5 program will have a base procurement target of up to 150 megawatts; any contract capacity available from prior small FIT and microFIT

procurements will be added to this base and will be posted by December 31, 2016.

Applicants are required to deliver hard copy application materials and payment to the IESO's offices no later than five business days after the date of submitting an electronic application form.

More information is available [here](#).

Market and System Operations

Application to National Energy Board to renew the IESO's Emergency Export Permit

The IESO has applied to the National Energy Board for a renewal of its Emergency Energy Export Permit EPE-289 which authorizes the IESO to export emergency firm power and energy, and interruptible energy, at points on the international boundary between Ontario and the USA.

The Notice of the Application and Directions on Procedure as published in the Canada Gazette Part I on October 29, 2016 is attached, and can be found [here](#), as well as on the IESO's [website](#).

Comments invited on market rule exemption recommendations

The IESO is requesting comments for Market Rule exemptions for the following three applicants:

- Exemption #1349 – Smooth Rock Falls GS (Gemini-SRF Power)
- Exemption #1350 – Kenora GS Redevelopment (H2O Power LP)
- Exemption #1351 – Long Rapids GS and Twin Falls GS (Namewaminikan Hydro Inc.)

All three market participants are seeking exemption from [Market Rule Chapter 4 Appendix 4.2](#), Categories 7: Excitation System and 8: Power System Stabilizers for the facilities indicated. All three are planning to implement brushless excitation systems for these facilities and report material increased costs if the systems cannot be implemented.

The exemption information is available on the Active Exemptions [webpage](#).

Quick Clicks

Time-of-Use periods changed on November 1. Get a refresher of the period times [here](#).

Planned IT Outages

The IESO's [Planned IT System Outages](#) web page provides an easy way to view all planned outages. The page is updated frequently and planned outages are posted as soon as they are finalized.

Upcoming Events

November 8: [Brant Local Demand Response Pilot engagement](#) (webinar)

November 8: [Canadian Manufacturers & Exporters: Energy 2016](#) (Mississauga)

November 15-16: [Association of Power Producers of Ontario conference](#) (Toronto)

November 23: [Market Renewal engagement meeting](#) (Toronto airport)

November 25: [Proposed changes to Peak Demand Hours and Adequacy Report](#) (webinar)

November 29: [Capacity Exports engagement meeting](#) (webinar)

For questions, comments and suggestions related to this bulletin contact IESO Customer Relations: Station A, Box 4474, Toronto, Ontario, M5W 4E5

Tel: 905.403.6900 Toll-free: 1.888.448.7777 Email: customer.relations@ieso.ca

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- Twitter: [IESO Tweets](#)
- Facebook: [The Electricity Outlet](#)

Decision number / Numéro de la décision	Publication date / Date de publication	Applicant's name / Nom du demandeur	Undertaking / Entreprise	City / Ville	Province
2016-408	October 14, 2016 / 14 octobre 2016		Findings regarding market capacity and the appropriateness of issuing a call for radio applications / Conclusions quant à la capacité du marché et à la pertinence de publier un appel de demandes radio	Sudbury	Ontario
2016-409	October 14, 2016 / 14 octobre 2016	Radio Moyen Orient	CKIN-FM	Montréal	Quebec / Québec
2016-414	October 20, 2016 / 20 octobre 2016	Surrey Myfm inc.	VF2689	Surrey	British Columbia / Colombie-Britannique
2016-419	October 20, 2016 / 20 octobre 2016	89.3 Surrey City FM Ltd.	VF2686	Surrey	British Columbia / Colombie-Britannique
2016-421	October 20, 2016 / 20 octobre 2016	Sur Sagar Radio Inc.	VF2688	Surrey	British Columbia / Colombie-Britannique

[44-1-o]

[44-1-o]

NATIONAL ENERGY BOARD

APPLICATION TO EXPORT ELECTRICITY ON AN EMERGENCY BASIS TO THE UNITED STATES

Independent Electricity System Operator

By an application dated July 20, 2016, the Independent Electricity System Operator (the “Applicant” or the “IESO”) has applied to the National Energy Board (the “Board”), under Division II of Part VI of the *National Energy Board Act* (the “Act”), for authorization to export on an emergency basis up to 4 000 MW of firm power and energy for a period of 10 years commencing on August 2, 2016. These emergency exports would be in accordance with the terms, or as amended, of interconnection agreements between the IESO (or its predecessors) and the New York ISO, the Midwest ISO, and Minnesota Power (Allete Inc.) that were executed on May 1, 2002, on January 6, 2009, and on December 1, 2006, respectively.

The Board wishes to obtain the views of interested parties on this application before issuing a permit or recommending to the Governor in Council that a public hearing be held. The directions on procedure that follow explain in detail the procedure that will be used.

1. The Applicant shall deposit and keep on file, for public inspection during normal business hours, copies of the application at its offices located at Independent Electricity System Operator, 1600-120 Adelaide Street West, Toronto, Ontario M5H 1T1, 416-967-7474 (telephone), www.ieso.ca, and provide a copy of the application to any person who requests one. A copy of the application is available for

OFFICE NATIONAL DE L'ÉNERGIE

DEMANDE VISANT L'EXPORTATION D'ÉLECTRICITÉ D'URGENCE AUX ÉTATS-UNIS

Independent Electricity System Operator

L’Independent Electricity System Operator (le « demandeur » ou l’« IESO ») a déposé auprès de l’Office national de l’énergie (l’« Office »), aux termes de la section II de la partie VI de la *Loi sur l’Office national de l’énergie* (la « Loi »), une demande datée du 20 juillet 2016 en vue d’obtenir l’autorisation d’exporter d’urgence jusqu’à 4 000 MW de puissance et d’énergie garanties pour une période de 10 ans à compter du 2 août 2016. Ces exportations d’urgences seraient conformes aux termes, ou tels qu’ils sont modifiés, des accords d’interconnexion entre l’IESO (ou ses prédecesseurs) et le New York ISO, le Midwest ISO et le Minnesota Power (Allete Inc.) qui ont été exécutés le 1^{er} mai 2002, le 6 janvier 2009 et le 1^{er} décembre 2006, respectivement.

L’Office souhaite obtenir les commentaires des parties intéressées sur cette demande avant de délivrer un permis ou de recommander au gouverneur en conseil la tenue d’une audience publique. Les instructions relatives à la procédure énoncées ci-après exposent en détail la démarche qui sera suivie.

1. Le demandeur doit déposer et conserver en dossier des copies de la demande, aux fins d’examen public pendant les heures normales d’ouverture, à ses bureaux situés à l’adresse suivante : Independent Electricity System Operator, 120, rue Adelaide Ouest, bureau 1600, Toronto (Ontario) M5H 1T1, 416-967-7474 (téléphone), www.ieso.ca/Pages/en-francais.aspx, et en fournir une copie à

viewing during normal business hours, by appointment, in the Board's library, at 517 Tenth Avenue SW, 2nd Floor, Calgary, Alberta T2R 0A8. To make an appointment, please call 1-800-899-1265. The application is also available online at www.neb-one.gc.ca.

2. Submissions that any party wishes to present shall be filed with the Secretary, National Energy Board, 517 Tenth Avenue SW, Calgary, Alberta T2R 0A8, 403-292-5503 (fax), and served on the Applicant by November 30, 2016.

3. Pursuant to subsection 119.06(2) of the Act, the Board is interested in the views of submitters with respect to

(a) the effect of the exportation of the electricity on provinces other than that from which the electricity is to be exported; and

(b) whether the Applicant has

(i) informed those who have declared an interest in buying electricity for consumption in Canada of the quantities and classes of service available for sale, and

(ii) given an opportunity to purchase electricity on terms and conditions as favourable as the terms and conditions specified in the application to those who, within a reasonable time of being so informed, demonstrate an intention to buy electricity for consumption in Canada.

4. Any answer to submissions that the Applicant wishes to present in response to items 2 and 3 of this notice of application and directions on procedure shall be filed with the Secretary of the Board and served on the party that filed the submission by December 15, 2016.

5. For further information on the procedures governing the Board's examination, contact the Secretary of the Board at 403-292-4800 (telephone) or 403-292-5503 (fax).

Sheri Young
Secretary

[44-1-o]

NATIONAL ENERGY BOARD

APPLICATION TO EXPORT ELECTRICITY TO THE UNITED STATES

SociVolta Inc.

By an application dated October 19, 2016, SociVolta Inc. (the "Applicant") has applied to the National Energy

quiconque en fait la demande. Il est possible de consulter une copie de la demande sur rendez-vous pendant les heures normales d'ouverture, à la bibliothèque de l'Office, située au 517 Tenth Avenue SW, 2^e étage, Calgary (Alberta) T2R 0A8. Pour prendre rendez-vous, prière de composer le 1-800-899-1265. La demande est aussi disponible en ligne à l'adresse www.neb-one.gc.ca.

2. Les parties qui désirent déposer un mémoire doivent le faire auprès de la Secrétaire, Office national de l'énergie, 517 Tenth Avenue SW, Calgary (Alberta) T2R 0A8, 403-292-5503 (télécopieur), et le signifier au demandeur, au plus tard le 30 novembre 2016.

3. Conformément au paragraphe 119.06(2) de la Loi, l'Office s'intéressera aux points de vue des déposants sur les questions suivantes :

a) les conséquences de l'exportation sur les provinces autres que la province exportatrice;

b) si le demandeur :

(i) a informé quiconque s'est montré intéressé par l'achat d'électricité pour consommation au Canada des quantités et des catégories de services offerts,

(ii) a donné la possibilité d'acheter de l'électricité à des conditions aussi favorables que celles indiquées dans la demande à ceux qui ont, dans un délai raisonnable suivant la communication de ce fait, manifesté l'intention d'acheter de l'électricité pour consommation au Canada.

4. Si le demandeur souhaite répondre aux mémoires visés aux points 2 et 3 du présent avis de la demande et des présentes instructions relatives à la procédure, il doit déposer sa réponse auprès de la secrétaire de l'Office et en signifier une copie à la partie qui a déposé le mémoire, au plus tard le 15 décembre 2016.

5. Pour obtenir de plus amples renseignements sur les méthodes régissant l'examen mené par l'Office, veuillez communiquer avec la secrétaire de l'Office, par téléphone au 403-292-4800 ou par télécopieur au 403-292-5503.

La secrétaire
Sheri Young

[44-1-o]

OFFICE NATIONAL DE L'ÉNERGIE

DEMANDE VISANT L'EXPORTATION D'ÉLECTRICITÉ AUX ÉTATS-UNIS

SociVolta Inc.

SociVolta Inc. (le « demandeur ») a déposé auprès de l'Office national de l'énergie (l'« Office »), aux termes de la

From: [Robert Doyle](#)
To: [Miriam Heinz](#)
Subject: Concerning letter from the National Energy Board dated October 17, 2016, File : OF-EI-Elec-I151-2016-01 01
Date: November 03, 2016 4:43:42 PM
Attachments: [IESO Bulletin - November 3 2016.msg](#)

Hi Miriam –

On November 3, the IESO distributed its IESO Bulletin email to the normal distribution list containing over 5,000 subscribers. The November 3 bulletin included the communication and copy of the NOA/DOP in both official languages and is attached to this email for your reference.

Rob

Robert Doyle | Section Head, Customer Outreach
Independent Electricity System Operator (IESO)
120 Adelaide Street West, Suite 1600, Toronto, ON M5H 1T1
Web: www.ieso.ca | Twitter: [IESO_Tweets](#)
Conservation: www.saveONenergy.ca | Twitter: [saveONenergyOnt](#)

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