

Green Energy Act – Feed-In-Tariff

ISSUE:

On September 24th, 2009, Minister Smitherman directed the Ontario Power Authority to launch the Feed-in Tariff program. The Ontario Power Authority began accepting applications October 1st, 2009.

On December 16th, 2009, the Ontario Power Authority announced that they have started sending out conditional contract offers to the first 700 microFIT applicants.

SUGGESTED RESPONSE:

General

- Ontario is at the centre of an energy renaissance that will change the way we generate, consume and conserve energy.
- Through the Green Energy Act, Ontario has moved to stimulate a new, green economy and create a new generation of green jobs, while protecting our environment.
- At the heart of the Green Energy Act is North America's most comprehensive Feed-in Tariff (FIT), which will spark the development of renewable energy projects.
- The tariff offers guaranteed incentives to developers of wind, water, solar, biomass and biogas sourced power. This will help us get clean, green energy projects online quicker.
- On September 24, 2009, Ontario introduced new rules that will help provide a stable investment climate that gives companies the confidence to invest in Ontario, hire our workers, and produce and sell renewable energy.
- A feed-in tariff model, combined with right to access to the grid and with certainty about regulation, is not about targets or limits. It's about creating certainty around the investor climate if you are willing to make the investment, we will buy the power. If the project is economically feasible, we will connect it. And we will do so faster than it's been done before. Targets are about limits.
- Ontario has learned from other jurisdictions that Feed-in Tariffs provide a fair and transparent incentive to encourage the development of all types and sizes of renewable energy projects, including First Nation, Métis and community-based projects.
- The FIT Program would bring significant benefits to the province. More renewable energy projects in Ontario will mean more transmission and distribution development,

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and more jobs and economic development for Ontario communities.

- Domestic content provisions within the Feed-in Tariff program help to ensure that the technology and the solutions behind renewable energy generation will be based in Ontario.
- Since October 2003, more than 1,200 MW of new renewable energy projects have come online in Ontario.

If asked about the OPA's consultation process:

- The Ontario Power Authority (OPA) led the implementation of Ontario's proposed Feed-in Tariff (FIT) Program. The OPA coordinated with other energy agencies, the Ontario Energy Board (OEB) and the Independent Electricity System Operator (IESO).
- The OPA consulted with renewable energy stakeholders on the design of the Feed-in Tariff program between March 17th 2009 and May 12th, 2009.
- The OPA later held a 3-week consultation on the draft Program Rules and Prices that were posted July 10, 2009.
- Webcasts of consultations are made available on the OPA's website.

If asked about Prices:

- The diversified energy supply mix, along with a combination of both regulated and market prices will help maintain stability in electricity pricing.
- The proposed FIT prices were developed based on experience here in Ontario and in other jurisdictions.
- Prices differ based on project size and type of renewable energy technology.
- They cover capital, operating and maintenance costs and allow for a reasonable return on investment over a 20-year (40-year for waterpower) contract term.

If asked about Program Launch:

- The Ontario Power Authority is responsible for administering FIT. Applications will be accepted starting October 1, 2009.
- Projects that are expected to be completed first will have priority access to existing connection capacity on the grid. During the first 60 days of the program, developers may shorten the period for which they are contractually bound to reach commercial

operation. Grid space is then allocated based on these dates.

- Renewable energy projects that generate less than 10 kW of electricity will have a different application process than larger commercial projects and will be administered as micro feed-in tariff (microFIT) projects.
- Dedicated websites went live September 30, 2009, providing step-by-step instructions and materials to assist developers, homeowners and small businesses with program requirements and the application process.
- Information on renewable energy development and approvals can also be accessed through the provincial government's Renewable Energy Facilitation Office.

If asked about Domestic Content:

- Ontario wants green energy business. The domestic content requirements will help ensure that jobs will be created, investment is committed and that the renewable energy industry grows across the province.
- We are looking to increase interest in the Ontario market and in Ontario as a home base for renewable energy investment and manufacturing.
- The Ministry of Energy and Infrastructure and the Ministry of Economic Development and Trade consulted stakeholders to determine a challenging but workable path to increase domestic content in renewable energy projects.
- Developers will be required to have a certain percentage of their project cost come from Ontario goods and labour at the time they reach commercial operation.
- For wind, the requirement will start at 25% and increase to 50% on Jan. 1, 2012.
- For micro solar PV (10 kW or smaller), the requirement will start at 40% and increase to 60% on Jan. 1, 2011.
- For larger solar PV, the requirement will start at 50% and increase to 60% on Jan. 1, 2011.

If asked about the transition of RESOP contract holders into the FIT:

- Solar PV, waterpower and biogas RESOP projects of 500 kW or less that have purchased equipment by October 1, 2009 may convert to a FIT contract. They will be deemed to have met the domestic content rules.
- People in Ontario have heard the message about the importance of renewable energy. Many were "early adopters" and installed their projects in anticipation of a feed-in tariff program. Many early adopters incurred huge personal financial costs to develop renewable projects even when the projects were uneconomic.
- These small scale renewable energy projects should be properly compensated by moving them to the feed-in tariff rates. This will help make those projects more economical on a go-forward basis. We want to make sure that they can benefit from this program and contribute to the supply of renewable energy in the province.
- RESOP contract holders that have not reached commercial operation will be given 60 days from the official launch date to rescind their contracts and apply to the FIT Program if they wish.
- Applicants will have to rescind their completed connection impact assessment with their respective local distribution company and meet all of the FIT Program requirements, including those for domestic content and security payments.
- Other projects with OPA contracts are not eligible to transition to the FIT and/or microFIT Programs.
- This policy strikes a balance between fairness for early adopters, the expectation that parties who signed a contract will honour them, and levels the playing field for the development and construction of new projects.

If asked about solar farms on prime agricultural land:

- I have directed the OPA that there is to be no ground-mounted solar procurement above 100 kilowatts on class 1 and 2 or Specialty Crop Areas to provide continued protection of such lands. Some ground-mounted solar procurement, up to 500 megawatts, will be allowed on Class 3 lands, allocated on a regional basis.
- We believe that it is possible to strike a balance and do both – encourage solar development and protect our prime agricultural lands. While agricultural lands are attractive for solar development for a variety of reasons, it is important to note that there is plenty of land in the province of Ontario suitable for solar development that is not prime agricultural land.

If asked about regional allocation for solar projects:

- Using the Regional Administrative Boundary Allocations (RABA) system, the province will be divided by county into 4 regions (North, East, Central and West). The 500 MW cap will then be allocated proportionally and will be based on the amount of Class 3 soil land within each region.
- This decision was made as part of the commitment to strike a balance between protection of prime agricultural lands and encouraging solar development. By establishing regional allocations of the cap, we can help protect against significant clustering of projects and provide for a more balanced distribution across the province.
- The RABA boundaries are used by various ministries and government agencies such as the Ontario Realty Corporation to divide the province into administrative regions. We feel these boundaries are realistic and reflect the norm when it comes to identifying different regions of the province.

BACKGROUND:

- A feed-in tariff is a standard price to promote the development of community-based and large commercial renewable energy projects. It provides a guarantee of market-viable prices for energy generated from renewable energy sources, such as solar, wind (onshore and offshore), water, biogas, biomass, and landfill gas. It allows projects of different types and sizes to have a reasonable rate of return.
- A feed-in tariff program will help provide certainty to project proponents that their energy will be purchased at a fair price. In combination with “as of right connection” which would make it easier for proponents to connect to the grid as network expansion is encouraged, streamlined approvals processes, will help facilitate new renewables once basic economic and technical criteria are met.
- The Ontario Power Authority is responsible for administering FIT.
- Renewable energy projects that generate less than 10 kW of electricity will have a different application process than larger commercial projects and will be administered as micro-feed-in tariff (microFIT) projects.
- The OPA held weekly consultation sessions with renewable energy stakeholders on the design of the Feed-in Tariff program from March 17th, 2009 to May 12th, 2009. On May 12th, 2009, the Ontario Power Authority updated proposed prices for the Feed-in Tariff and on June 8th, 2009 posted a draft contract. The OPA held an additional 3-week consultation period on the draft Program Rules and prices that were posted on July 10, 2009.
- In response to stakeholder consultation, the OPA revised the proposed Program Rules. The revisions focused on:

- o How to give priority to applications that are able to come into service more quickly
- o The addition of two new price categories for on-farm biomass generation
- o The clarification of the transmission and distribution availability test processes
- The OPA has been accepting applications since October 1st, 2009.
- The FIT program rules and prices will be reviewed at least every two years.

Applications:

microFIT Applications

- As of November 30, 2009, the Ontario Power Authority received 1,193 microFIT applications with a potential output of 8.6 MW of electricity. Ontario Power Authority is continuing to review and verify these applications.
- Breakdown of microFIT applications received as of December 1, 2009:

Energy Source	Number of Applications	Capacity (kW)
Biogas	0	0
Landfill Gas	0	0
Renewable biomass	4	40
Solar Photovoltaic (PV)	1,166	8,382
Water	1	2
Wind	22	187
Total	1,193	8,611

- In the week of December 14, 2009, the Ontario Power Authority started sending out conditional contract offers to the first 700 microFIT applicants subject to applicants obtaining approval to connect to the electricity grid from their local distribution.
- People whose microFIT applications were submitted by November 30, 2009 and who have not yet received a contract offer should hear from the Ontario Power Authority by January 15, 2010.

FIT Applications

- The Ontario Power Authority has estimated that there is approximately 2,500 megawatts of available transmission connection capacity for FIT projects.
- o As of December 1, 2009 the Ontario Power Authority received 1,022 FIT applications with about 8,000 MW of potential electricity generation. The Ontario Power Authority is continuing to review and verify these applications and will give priority to “shovel-ready” projects.
- Of the 8,000 MW, 79% of capacity is wind and 16% is solar.
- CONFIDENTIAL: Applications totaled more than 10,000 MW. Some proponents bid the same project into multiple connection points and others did not complete the application process, this reduced the estimated potential capacity to about 8,000 MW. Breakdown of FIT applications received as of November 30, 2009:

Energy Source	Number of Applications	Capacity (kW)
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Biogas	8	25,560
Ground Mounted Solar PV	183	1,440,012
Land Fill Gas	6	28,912
Offshore Wind	5	330,912
Onshore Wind	192	7,616,700
On-Farm Biogas	26	8,775
Renewable biomass	11	110,071
Rooftop Solar PV	504	114,639
Water	87	354,491
Total	1,022	10,029,181

- FIT applications require an extensive review by the Ontario Power Authority, local distribution companies, Hydro One and the Independent Electricity System Operator. FIT contracts will be offered after this review. The Ontario Power Authority expects the review to be complete in April 2009 given the unexpectedly high number of applications.

Prices:

- The Ontario Power Authority is responsible for establishing prices for most renewable energy supply categories under the new feed-in tariff program.

Feed-In Tariff Prices				
Renewable Fuel	Type	Size tranche	Contract Price ¢/kWh	Escalation Percentage**
Biomass*^		≤ 10 MW	13.8	20%
		> 10 MW	13.0	
Biogas*^	On-Farm	> 10 kW ≤ 100 kW	19.5	20%
		> 100 kW ≤ 250 kW	18.5	
	Any type	≤ 500 kW	16.0	
		>500 kW ≤ 10 MW	14.7	
		> 10 MW	10.4	
Waterpower*^		≤ 10 MW	13.1	20%
		> 10 MW <50 MW	12.2	
Landfill gas*^		≤ 10MW	11.1	20%
		> 10 MW	10.3	
Solar PV	Any type	≤10 kW	80.2	0%
	Rooftop	> 10 ≤ 250 kW	71.3	
		> 250 ≤ 500 kW	63.5	
		> 500 kW	53.9	
	Ground Mounted^	> 10 kW ≤ 10 MW	44.3	
Wind^	Onshore	Any size	13.5	20%
	Offshore	Any size	19.0	

*Peak Performance Factor of x1.35 during On-Peak and x0.90 during Off-Peak applies for non-microFIT projects.

^Aboriginal Price Adder and Community Price Adder eligible as outlined below for non-microFIT projects.

**Escalation Percentage based on the Consumer Price Index will be applied to eligible Renewable Fuels as calculated in FIT Contract. The Base Date is September 30, 2009

The following table shows the maximum level of the Aboriginal and community price adders a project could receive in addition to the contract price:

	Wind	PV (Ground Mounted)	Water	Biogas	Biomass	Landfill Gas
Maximum Aboriginal Price Adder (¢/kWh)	1.5	1.5	0.9	0.6	0.6	0.6
Maximum Community Price Adder (¢/kWh)	1.0	1.0	0.6	0.4	0.4	0.4

- Aboriginal or community projects are eligible for a price adder in proportion to the percentage of equity ownership by the Aboriginal or community group, as set out below:

Percentage of Control	Percentage of corresponding price adder
50% to 100%	100%
10% to 50%	Double the percentage of control
0% to 10%	0%

- A project may receive both adders. The same economic interest may not count towards both the Aboriginal and Community Price Adders. The total adder may not exceed the greater of the maximums of the Aboriginal or Community Price Adders.
- On September 30, 2009, the OPA corrected the FIT contract to include a 10 MW cap on individual solar PV projects.

Domestic Content requirements:

- The Ministry of Energy and Infrastructure (MEI) and Ministry of Economic Development and Trade (MEDT) consulted with solar and wind manufacturers as well as developers and industry associations on domestic content. Several sessions were held during the month of May, 2009.
- Developers will be required to have a certain percentage of their project cost come from Ontario goods and labour at the time they reach commercial operation. This requirement will increase after time. For wind, the requirement will start at 25% and increase to 50% after December 31, 2011. For micro solar PV (10 kW or smaller), the requirement will start at 40% and increase to 60% after December 31, 2010. For larger solar PV, the requirement will start at 50% and increase to 60% after December 31, 2010.

- Developers are allocated the qualifying percentage for performing the corresponding designated activity. If the designated activity is partially done, the developer receives 0% for that activity.
- On September 30, 2009, in response to stakeholder feedback, the OPA amended the microFIT solar PV domestic content requirements, making the categories consistent with the larger-than-10 kW silicon PV requirements. This will make it easier for microFIT applicants to meet domestic content requirements and get their renewable energy projects on-line faster.

Program Process (projects larger than 10 kW):

- As part of the application process, large project applications go through a transmission availability test (TAT) and distribution availability test (DAT). If there is existing space on the grid, or there are confirmed developments that would enable connection scheduled to come online by the milestone date of the project's commercial operation, then the project passes and the contract offer is made.
- Only upon receipt of a contract is the developer permitted to apply for their connection impact assessment, customer impact assessment, and system impact assessment (as applicable). FIT program participants may not get these beforehand.
- Projects must get a Notice to Proceed (NTP) from the OPA before starting construction. To receive their NTP, developers must have:
 - o completed their connection impact assessment, customer impact assessment and system impact assessment as applicable
 - o Obtained their Renewable Energy Approval,
 - o A domestic content plan (if applicable)
 - o A financing plan
- In the event that a project does not pass the Transmission and Distribution Availability Test(s) (if applicable) the application will be subjected to the next Economic Connection Test (ECT), together with all other projects whose applications are awaiting the next scheduled ECT. The ECT is designed to ensure that the costs of connecting a project, parts of which may be ultimately borne by ratepayers, are reasonable. The Test will be run at least once every 6 months for each region of the Province.
- Based on the outcome of the ECT, the projects could then be placed in either the FIT Production Line, or the FIT Reserve. Alternatively, proponents would be given an option to withdraw their FIT applications.
 - o **The FIT Production Line** is designed for the projects whose connection costs are determined to be economic through the ECT analysis. These projects will provide input for the future transmission and distribution planning processes.

Once in the Production Line, the projects will be subjected to the TAT/DAT before each subsequent Economic Connection Test is run, to see whether new grid capacity has become available as a result of new construction, approvals, or withdrawals of earlier FIT applications.

Each time a Production Line application is subjected to the ECT, an additional portion of its application security becomes at risk in the event that the project withdraws from the FIT program.

- o **The FIT Reserve** will host the applications for projects where the connection costs were deemed to be uneconomic as a result of the ECT, but whose proponents chose to remain in the FIT program in anticipation of future transmission or distribution developments that would potentially justify the connection. As with the projects in the Production Line, the Reserve projects would be subjected to the regular Transmission/Distribution Availability and the Economic Connection Tests. .
- Applicants with projects in the Production Line and the Reserve are allowed to revise the technical details of their application with prior written notice to the OPA, if they believe that these revisions could affect their projects' ability to connect. The only application details that cannot be revised without losing the project timestamp are those regarding the Renewable Fuel Type, Project Location or Capacity.
- Applications can stay in the FIT Production Line, the Reserve or the combination of the two for up to 10 years.

Capacity allocation exempt projects:

- Capacity allocation exempt projects are small projects connected to the distribution system. A small generator is 250 kW or less when connected to a line less than 15 kV, or 500 kW or less when connected to a 15 kV or higher line.
- These projects are not required to submit application security; however, completion and performance security are required.
- These projects proceed directly to a FIT contract after the application has been reviewed and is found to be complete – they are therefore not subject to the transmission and distribution availability tests, the economic connection test, the FIT production line or the FIT reserve.
- Requirements for receiving Notice to Proceed are the same as large projects.

microFIT (10 kW or smaller)

- For microFIT, the following are not available or do not apply: the on-farm bio-gas price, the community or Aboriginal price adders, on/off peak pricing. Micro projects may apply to FIT, but would have to meet all the requirements of the FIT contract.
- Domestic content rules for solar PV apply.

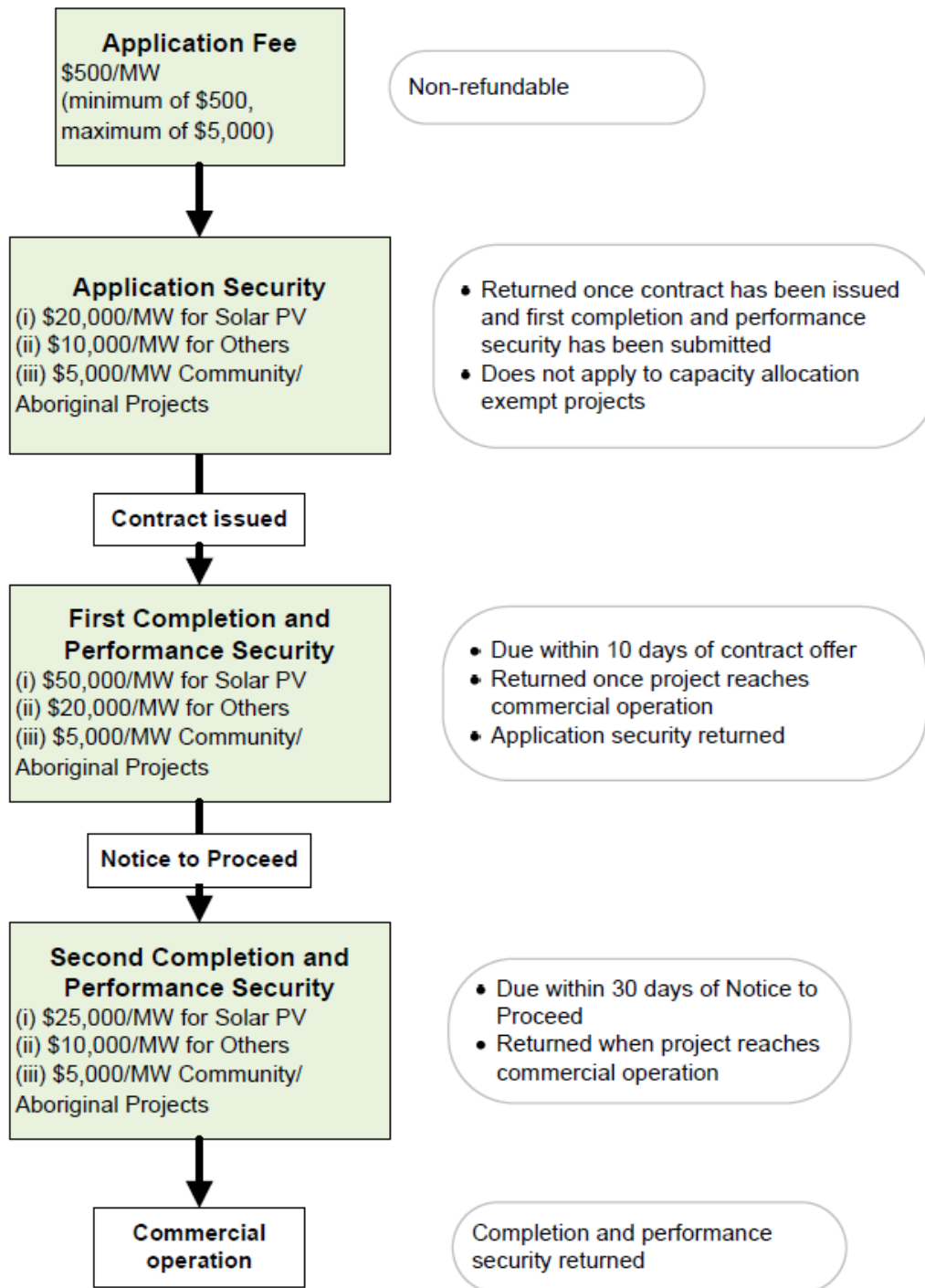
- microFIT projects proceed directly to a FIT contract after the application has been reviewed and is found to be complete – they are therefore not subject to the transmission and distribution availability tests, the economic connection test, the FIT production line or the FIT reserve.
- microFIT projects do not require Notice to Proceed from the OPA before construction.
- microFIT projects do not have to submit an application fee, nor application security nor completion and performance securities.
- Once the LDC connects the microFIT project, the OPA will start paying for generation.
- The OPA may check projects' domestic content levels and renewable energy approval status (as applicable) as part of the auditing process.

Transmission/Distribution

- For information on transmission or distribution issues, including the Ontario Energy Board's amendment to the Transmission System Code on the cost responsibility of enabler lines, please see House Note E02.

Program specific fees and securities (application fee, application security, completion and performance securities):

- MicroFIT projects (≤ 10 kW) are exempt from all program specific fees and securities.
- Capacity allocation exempt projects are exempt from the application security.
- Other FIT projects have to pay an application fee and put up security at different points of the project (see flow chart below).
 - o The application security discourages projects which are unlikely to reach commercial operation from applying. It prevents transmission and distribution companies from being overwhelmed by the required number of assessments of the impacts of additional generation.
 - o The completion and performance security payments provide a measure of certainty that FIT Program contract holders will complete their projects as intended. They help to prevent projects from taking up transmission and distribution wire capacity which do not intend to build.
- Aboriginal and community based projects with greater than 50% participation levels require less security.



FIT Program Launch:

- The FIT Program requires that commercial operation be reached within a certain time of contract signing depending on the technology:
 - o three years for wind, solar and bioenergy
 - o four years for off-shore wind
 - o five years for waterpower.

- During program launch (the first 60 days of the program), developers will have the option on the application form to select commercial operation acceleration days that will shorten the commercial operation date (COD) deadline. Applications will be prioritized based on expected COD. This means that projects that are expected to be completed first will have priority access to existing connection capacity on the grid.
- All applicants will be allowed to submit up to 365 COD acceleration days. If a developer wishes to submit a higher number of acceleration days, it must submit evidence that it has met one or more of four criteria upon which its project will be assigned a score.
 - o The criteria are:
 - do not require a renewable energy approval
 - major equipment component confirmed
 - successful experience with similar projects
 - financial backing.
 - o For every criterion that the developer meets, it will be allowed to select an additional 90 COD acceleration days. In order to qualify, it must submit evidence to the OPA with its application that demonstrates the criteria have been met.
- If a developer is awarded a contract after submitting COD acceleration days, it will be subject to liquidated damages if it fails to achieve commercial operation within the time specified in its application. This is intended to ensure that projects reach commercial operation within the time committed in the application.
 - o Liquidated damages are \$250/MW per day, for no more than the number of COD acceleration days submitted.

Transition into FIT

- Transition policies from RESOP to FIT will
 - o help serious developers build their projects
 - o give an indication to the OPA how much transmission space will be freed up by contract-holders who are not likely to build.
- First, RESOP contract holders that have not reached commercial operation have until November 30, 2009 (60 days from the official launch date) to rescind their contracts and apply to the FIT Program if they wish.
- Advanced RESOP FIT amendment option: There is a second option for non-solar RESOP projects that have not reached commercial operation but have received a certificate of approval, permit to take water or renewable energy approval. These projects must reach commercial operation by the end of 2010. These projects were given the option to receive a higher price and the right to retain 100%, instead of 50%, of any ecoENERGY incentive (1 c/kWh). In exchange, they had to post completion and performance security, and must pay liquidated damages if they fail to achieve operation by the end of 2010.
 - o For more details, please see house note B(17) – Renewable Energy Standard Offer

- The third option is directed at large solar projects, but is open to all non-waterpower projects larger than 10kW. Barring force majeure, RESOP projects must reach commercial operation within three years of receiving their contract. The OPA offered a one-year extension in exchange for security and liquidated damage provisions. Developers must deposit \$20/kW, which is refundable upon achieving commercial operation. Liquidated damages of \$0.1/kW/day up to 200 days apply for failing to meet the milestone. This offer was available from August 24, 2009 through October 30, 2009.
- Grandfathering: RESOP, net-metered, merchant or not-yet-in-service projects that are 500 kW or less and have purchased equipment or have reached commercial operation by October 1, 2009 are eligible to be converted into the FIT or microFIT. The grandfathering option does not apply to waterpower projects covered by the May 7th 2009 direction to the OPA (re: Negotiating new contracts with Hydro-electric Generation facilities).
 - o Most of the eligible projects may apply to the FIT or microFIT program; RESOP projects larger than 10kW and less than or equal to 500 kW may have their contract amended to the FIT price.
 - o These projects are deemed to have met domestic content requirements.
 - o They must be online by December 31, 2010, or for the micro non-RESOP projects, must be online within 12 months of the microFIT conditional contract offer. Projects larger than 10 kW will be liable to pay liquidated damages if they fail to meet this deadline. Micro projects revert to their old contract, if applicable.
 - o The amendment application should be made to the OPA by November 30, 2009.

Solar PV on prime agricultural land:

- As part of the FIT directive issued on September 24th, 2009, restrictions were placed on the placement of ground-mounted solar PV projects larger than 100 kW. They may not go on Class 1 or 2 land or Specialty Crop Areas. Up to 500 MW may go on Class 3 land, allocated in proportion to the amount of class 3 land in the four Regional Administrative Boundary Alignments (North, West, East and Central).
- As part of the directive issued on September 30th, 2009, 100 MW of the 500 MW was reserved. 100 MW of the amount that would have been allocated to the West region is reserved for proponents who have signed a province-wide framework agreement with the province.
- The restrictions/caps outlined for CLI classes 1, 2 and 3 soils do **not** apply to lands zoned for non-agricultural purposes as of October 1, 2009.

Quick Facts:

- Since October 2003, more than 1,200 MW of new renewable energy projects have come online in Ontario.

- In October 2003, there were 15 MW of wind power from 10 utility-scale turbines in Ontario. Today, there are almost 1,200 MW online from over 670 turbines. By the end of 2012 there will be at least 900 turbines.

Legislative authorities over FIT:**SCHEDULE B ELECTRICITY ACT, 1998****7. Part II.2 of the Act is amended by adding the following section:****Feed-in tariff program**

25.35 (1) The Minister may direct the OPA to develop a feed-in tariff program that is designed to procure energy from renewable energy sources under such circumstances and conditions, in consideration of such factors and within such period as the Minister may require.

Minister's directives

(2) The Minister may issue, and the OPA shall follow in preparing its feed-in tariff program, directives that set out the goals to be achieved during the period to be covered by the program, including goals relating to,

- (a) the participation by aboriginal peoples in the development and establishment of renewable energy projects;
- (b) the involvement of members of the local community in the development and establishment of renewable energy projects; and
- (c) domestic content.

Definition

(3) In this section,

“feed-in tariff program” means a program for procurement, including a procurement process, providing standard program rules, standard contracts and standard pricing regarding classes of generation facilities differentiated by energy source or fuel type, generator capacity and the manner by which the generation facility is used, deployed, installed or located.

Ability to restrict OPA procurement on certain type of lands, e.g. agricultural lands:**SCHEDULE B ELECTRICITY ACT, 1998****14.****(5) Subsection 114 (1.3) of the Act is amended by adding the following clause:**

(g.1) prescribing locations or land or classes of locations or land where the OPA shall not provide for a procurement process or enter into a contract for energy from a prescribed renewable energy generation facility or a prescribed class of renewable energy generation facility;

With input from: Dmitry Balashov, Policy Analyst
Transmission and Distribution Policy
416-325-6728
September 25, 2009

Updated by Clarence Cheng, Policy Analyst
Renewables Energy Unit
416-325-5027
December 16, 2009

Approved by: Karen Slawner, Coordinator
Renewables Energy Unit
416-314-9472
December 16, 2009

Leo Tasca, Manager
Renewables Energy Unit
416-326-3775
December 21, 2009

Pearl Ing, Director
Renewables and Energy Facilitation Branch
416-327-3868
December 21, 2009

Sue Lo, ADM
Renewables and Energy Efficiency Division
416-327-8552
December , 2009