

October 15, 2026

mkilleavy@poweradvisoryllc.com

Michael Killeavy, LL.B., MBA, P.Eng.
Commercial Director
Power Advisory
55 University Avenue, Suite 700
Toronto, ON M5J 2H7

Dear Mr. Killeavy:

M13042 - Application for Approval of a Green Choice Power Standard Form Purchase Agreement (PPA) Under the Renewable Electricity Regulations

The Board has reviewed the submissions filed by the parties in this matter. According to the directed timeline, these submissions were to be completed with reply submissions by the Procurement Administrator on September 28, 2026. SWEB filed comments on October 1, 2026, outside this period. Given that the Board is seeking additional comments from the Procurement Administrator on other points, it will also ask Power Advisory to address one point raised in SWEB's late filing that the Board considers was not addressed in the reply comments.

The panel assigned to this matter is Stephen T. McGrath, K.C, Chair; Roland A. Deveau, K.C., Vice Chair and Richard J. Melanson, LL.B., Member.

The Board requests the Procurement Administrator's comments on the following issues:

- 1) From the Board's review, the Procurement Administrator did not respond to SWEB's comments contained at page 6 of 12 in its original submissions dated September 11, 2026, which relates to the Early Completion Incentive. SWEB stated, in part:

Adding the current delivery timelines for this equipment of up to 24 months to the expected PPA signature Date mid 2027, and including the time necessary to conduct the System Impact (typically commencing after PPA execution) and Facilities Study, it is **highly unlikely that any Proponent or NSPI would be willing to commit to a 2029 Scheduled Commercial Operation Date/In-Service Date within the PPA/the Generator Interconnection Agreement (GIA).**

In order to allow ratepayers/Participants and the Seller to potentially benefit from an earlier interconnection of an awarded project, we therefore suggest tying the Early Completion Incentive exclusively to an early Commencement Date. We propose the following changes to the second sentence within Section 5.1 (iv) so that it reads as follows:

“If the Commencement Date occurs before December 31, 2029, the Energy Rate shall be multiplied by 1.25 from the Commencement Date until December 31, 2030 (“Early Completion Incentive”). [Emphasis in original]

To provide greater context for the Board’s review, the Procurement Administrator is asked to address SWEB’s concern. Specifically, please explain why both the Scheduled Commercial Operation Date and Commencement Date must occur before December 31, 2029, to attract the incentive. In the circumstances, please provide reasons and justifications why achieving the Commencement Date on or before December 31, 2029, would not be sufficient (even if the Scheduled Commercial Operation Date had been identified as a later date).

2) The Board requests clarification about the ERIS/NRIS Connection provisions. The Board is mindful about the Procurement Administrator’s reply submission that IESO Nova Scotia has recommended proceeding with the ERIS only approach.

Section 3.2.1.1 of the IESO NS Revised Standard Generator Interconnection Procedures states: “ER Interconnection Service allows Interconnection Customer to connect the Generating Facility to the Transmission System and be eligible to deliver the Generating Facility’s output using the existing firm or non-firm capacity of the Transmission System on an “as available” basis. ER Interconnection Service does not in and of itself convey any transmission service.”

Section 33(4) of the *Electricity Act* states: “Where a generation facility’s curtailment exceeds five per cent of its total energy bid, the generation facility shall be compensated for the curtailment by the purchaser of the generation facility’s generation output at the rate set out in the power-purchase agreement unless...”.

Under the *Electricity Act*, payment is required to the Seller for any reason if the curtailment exceeds 5%. However, an ERIS Interconnection Customer does not have firm transmission capacity and is only eligible to deliver its generation output on an “as available basis.”

Please explain or clarify how the ERIS provisions interact with the curtailment provision in s.33(4) of the *Electricity Act*. If curtailment is due to transmission constraint, will the ERIS Interconnection Customer still be compensated even though there is no entitlement to firm transmission service?

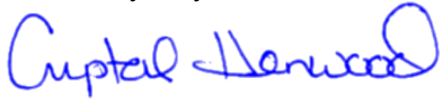
3) The Board has one question somewhat related to a point raised in SWEB’s letter of October 1, 2026, concerning the Local Benefits Report. Section 2.4(a)(vi) of the PPA provides that a Facility is deemed to have achieved Commercial Operation when the “Seller has submitted a Local Benefits Report prepared by an independent third party”. In its reply comments to SWEB [Item #7 in Exhibit A], the Procurement Administrator stated that providing Local Benefits in a proposal is not mandatory and if considered too onerous a Proponent does not need to make such a commitment



in the RFP. If that is the case, why does the language in s. 2.4(a)(vi) suggest it is mandatory and, in fact, is one of the triggers for Commercial Operation?

The Board directs Power Advisory to provide its comments by **Monday, October 19, 2026**.

Yours very truly,



Crystal Henwood
Clerk of the Board

c. William Mahody, K.C., Board Counsel
Interested Parties

