

7 Steps to Repeal Ontario's Green Energy Act 2009

Preamble:

The Canadian Constitution grants each province the jurisdiction over electricity production. As an elected majority government of Ontario, you have the legislative ability to pass all required laws to repeal the Green Energy Act 2009.

The Canadian Constitutional system provides your government with the legislated authority to cancel or amend contracts made by the previous government. With this authority, the PC majority government is positioned to act in a manner that is protective of the health of humans and the environment while restoring economic sustainability to the energy sector in our Province. This should include the repeal of Ontario's Green Energy Act 2009 (GEA) and termination or amendment of FIT contracts.

All parties that were involved in the development and contract negotiations under the GEA 2009 irresponsibly financed the renewable energy projects well above market value for wind and solar power generation. The people who wrote the contracts, financed the projects and lobbied to drive costs onto ratepayers to benefit other bureaucrats are complicit in creating the unfair electricity rates that currently exist in Ontario. With the 'un'Fair Hydro Act we are now downloading billions of dollars of debt onto future generations in Ontario.

The Green Energy and Green Economy Act 2009, (GEA) is a disaster on many fronts. It has a negative impact on the economy especially with heavy hits to the manufacturing district and medium to small businesses. Our electricity rates are now one of the highest in North America. The GEA has stripped away municipal planning and zoning rights, the installation of industrial wind and solar has a harmful impact on the environment and importantly deleterious impacts on rural residents who only want a safe and quiet place to enjoy their homes and properties.

Ontario's regulations for Industrial Wind Turbines fail, by design, to include infrasound, low frequencies, high frequencies, amplitude modulation, stray voltage, vibration, the trespass of shadow flicker, the encroachment of prime agriculture lands, disturbances to water wells, negative impacts on livestock and farmers livelihoods, and the allowance to harm/harassment/kill/ and displace wildlife during construction and for the lifetime of the operation of all wind facilities.

7 Steps to Repeal Ontario's Green Energy Act:

1. Immediate **Moratorium** of all Renewable Energy Projects powered by Wind
2. Immediate **Action Plan** to protect, preserve and prevent harm due to reported health hazards from wind powered facilities
3. Immediate **Health Hazard Investigation** of Industrial Wind Turbines & associated infrastructure
4. Immediate **Investigation** of power quality issues reported by properties adjacent to wind generation facilities
5. Immediate **Action Plan** to address power quality issues associated with properties and homes adjacent to wind generation facilities
6. Undertake a review of the **cost & benefit analysis of Ontario's Renewable Energy Projects**
7. **Action: Repeal the Green Energy Act**

7 Steps to Repeal Ontario's Green Energy Act 2009

Contents

Preamble	1
Introduction	2
Seven Steps to Repeal Ontario's Green Energy & Economy Act 2009- in detail:	4
ONE: Immediate Moratorium of all Renewable Energy Projects powered by Wind.....	4
TWO: Immediate Action Plan to protect, preserve and prevent harm due to reported health hazards from wind powered facilities	6
THREE: Immediate Health Hazard Investigation of Industrial Wind Turbines & associated infrastructure .	7
FOUR: Immediate Investigation of power quality issues reported by properties adjacent to wind generation facilities.....	9
FIVE: Immediate Action Plan to address power quality issues associated with properties and homes adjacent to wind generation facilities	10
SIX: Undertake a review of the cost & benefit analysis of Ontario's Renewable Energy Projects	11
SEVEN: Action: Repeal the Green Energy Act	15
Conclusion.....	15
CONTACT INFORMATION.....	16
Addendum:	17

Introduction:

In 2009 Ontario introduced legislation to promote a renewable energy economy under the Green Energy Act. **Not one Progressive Conservative Member of Provincial Parliament voted in favor of this bill.** The Auditor General Report of 2011 and 2015 outline existing issues with Ontario's energy policies. The following extracts are bolded for emphasis:

Auditor General Report 2015;

P.213 *"But over the last decade, this power system planning process has essentially broken down, and **Ontario's energy system has not had a technical plan in place for the last ten years....** the Ministry of Energy has made a number of decisions about power generation that have resulted in significant costs to electricity consumers."*

P214 *"The Ministry (of Energy) has issued a total of 93 directives and directions to the OPA (Ontario Power Authority) between 2004 and 2014. Through them, it has made a number of decisions about power generation—decisions that sometimes **went against the OPA's technical advice**"*

P.218 *"By allowing the technical planning process to break down, the Ministry (of Energy) has effectively cut the Ontario Energy Board (OEB) out of the picture. **One of the OEB's key objectives is to protect the interests of consumers with respect to prices and the adequacy,***

7 Steps to Repeal Ontario's Green Energy Act 2009

reliability and quality of electricity service. But with no oversight on electricity power system planning and only very limited oversight on electricity generation costs, it has been difficult for the OEB to meet this mandate in any meaningful way.

OEB not authorized to review the Ministry's policy plans—Unlike the OPA's technical plans, the Ministry's policy plans are not required by legislation and the OEB is not authorized to review them. This means that neither of the Ministry's two policy plans have been subject to any independent review to ensure that they are fiscally prudent and that electricity consumer interests are protected."

P.223 **"Lack of transparency**—The Ministry's use of directives and directions to make major decisions has resulted in a process that is less than open and transparent—both to the key players in the electricity-sector and to the public"

Auditor General Report 2011:

P. 108 **"the normal due diligence process for an expenditure of this magnitude had not been followed.** For large projects such as the consortium agreement, we expected but **did not find that a comprehensive and detailed economic analysis or business case had been prepared.** According to the Ministry (of Energy), the decision to enter into the agreement with the consortium was made by the government. Although the Cabinet was briefed about the agreement, the Ministry indicated that there had **been no formal Cabinet approval** because it was not required."

This attitude resulted in the lack of due diligence. No cost benefit analysis was done to determine if ratepayer's interests were protected with respect to getting value for money, adequacy and reliability of the electrical system and quality of service. The result is none of the Provincial watch-dog agencies for the people – the Cabinet, the OPA and the OEB were consulted in the decision-making process. The odious contracts that were signed on our behalf will cost the ratepayers billions of dollars beyond rational expense for unpredictable, non-dispatchable, unreliable and inherently intermittent energy generation.

Auditor General Report 2011:

P. 117 "We questioned whether the job projection information was presented as transparently as possible. For example:

- **A majority of the jobs will be temporary.** The Ministry projected that of the 50,000 jobs, about 40,000 would be related to renewable energy. Our review of this projection suggests that 30,000, or 75%, of these jobs would be construction jobs and would last only from one to three years.
- Experience in other jurisdictions suggests that jobs created in the renewable energy sector are often offset by **jobs lost as a result of the impact of higher renewable energy electricity prices on business, industry, and consumers,"**

7 Steps to Repeal Ontario's Green Energy Act 2009

With the exodus of manufacturing plants leaving Ontario for cheaper hydro and escalating electricity rates the **Fair Hydro Plan** was implemented. The Office of the Auditor General of Ontario - Special Report - October 2017, ***The Fair Hydro Plan: Concerns About Fiscal Transparency, Accountability and Value for Money*** highlights the following key concerns:

- *Through the Fair Hydro Act, the government created a **needlessly complex accounting/financing structure** for the electricity rate reduction in order **to avoid showing a deficit** or an increase in net debt in its budgets and in the Province's consolidated financial statements (Section 1.0).*

*According to the government's current plan, **the total borrowings to be repaid will be an estimated \$39.4 billion** (Section 1.0 and Appendix 1, Section 4.0)."*

P. 13 "Financial Accountability Office (FAO) of Ontario in its spring 2017 report titled Fair Hydro Plan—An Assessment of the Fiscal Impact of the Province's Fair Hydro Plan. Currently, ratepayers are expected to be responsible for paying these additional interest costs through their hydro bills once the temporary rate reduction financial relief under the Policy Decision ends."

Seven Steps to Repeal Ontario's Green Energy & Economy Act 2009- in detail:

Failure to take action to address the economic costs of the enactment of the Green Energy Act has resulted in unsustainable increases in the cost of electricity, 'energy poverty' for some of our most vulnerable citizens and a massive downloading of debt on to our children and grandchildren.

ONE

MOECC (Ministry of Environment & Climate Change):

Immediate Moratorium of all Renewable Energy Projects powered by Wind.

Reason:

Under the Green Energy Act, Renewable Energy projects have been approved without municipal oversight on planning and zoning, thereby stripping rural residents of the protections afforded other citizens by their local Council. Consequently, industrial energy generating stations have been located in rural residential areas among homes and schools.

The burden of proof to oppose these projects has been a virtually unattainable and narrow standard, pitting limited citizen resources against those of the government and the (often multi-national), Limited Liability Corporations (LLC). The onus has been on residents to prove a future inevitable harm from a project not yet constructed. The reverse onus which has heretofore been the reigning paradigm is grievously unjust to rural residents.

7 Steps to Repeal Ontario's Green Energy Act 2009

We argue that the burden of proof that industrial wind turbines will not cause any harms to people, plants, animals and the environment should rightly be shouldered by the companies who are promoting their installation, construction and operations.

Current regulations under the Green Energy Act reversed the burden of proof of harm onto those who are impacted at great personal, family and community costs. This is contrary to international law principles where the “polluter pays” - Onus must be placed on the emitter for discharges into the environment. It must be proven by the emitter to be of little or no harm and if harm is claimed or realized the burden of remedy is to be placed on regulators to enforce compliance and the polluter to pay the penalty for any required remedies.

Moreover, the regulations are woefully inadequate, covering only volume of sound emitted and not the character, the frequency, the impulsive, cyclical nature of the acoustic emissions, nor the visual blight of shadow flicker trespass onto neighbouring homes and properties, nor the stray voltage dumped onto the ground to return to the substations, nor the EMF pollution. In addition to the inadequacies of the regulations are the inadequacies of the MOECC itself in response to the thousands of resident complaints from ostensibly compliant projects.

MOECC has failed to demonstrate enforcement and compliance of existing regulations and conditions of Renewable Energy Approvals (REA). As a result, it has failed to demonstrate resolution of the reported incident reports detailing adverse effects.

Ontario's regulations have failed to be protective of human health and our environment. Exemptions allow electricity generation and transmitter systems if declared “renewable energy” to be immune from safe- guards required from any other energy producer. MOECC has failed in its legislated mandate to demonstrate enforcement and compliance of existing regulations and conditions of Renewable Energy Approvals (REA).

The above statement is made in the knowledge of the failure from MOECC to respond to thousands of complaints filed against the wind project operators, wind facilities and MOECC's Spills Action line. MOCC has failed to demonstrate resolution of reported incident reports detailing adverse effects from wind facilities and associated infrastructure.

The only way to protect human health and the environment, which is your duly appointed mandate, is to enact an immediate moratorium on industrial wind energy generating facilities until the proponents, developers, owners and operators can prove that emissions from these structures are biologically inert, that they pose no risk from failure, fire or fall onto neighbouring properties, and that they respect the sanctity of the homes and properties by not trespassing onto them.

Relevant Legislation:

GEA (Green Energy Act)

EPA (Environmental Protection Act)

EA (Electricity Act)

7 Steps to Repeal Ontario's Green Energy Act 2009

REDA (Radiation Emitting Devices Act)* *Federal*
HPPA (Health Protection & Promotion Act)

Actions & Deliverables:

1. No new procurement of contracts for renewable energy projects powered by wind.
2. Examination of all Renewable Energy Approvals and contracts for clauses that can be invoked to terminate the agreement. Specifically a careful review focused on termination clauses based on:
 - Other party breach
 - Cannot perform
 - Mediation to exit the contract
3. Halt construction of projects not yet operational.
4. Halt operations of wind facilities with incident reports of adverse events to human health and harm to environment.
5. Immediate action plans are to be enacted that are responsive and effective to resolve ongoing reports of harm to human health and environmental harms for existing wind projects in operation.

TWO

MOECC(Ministry of Environment & Climate Change):

Immediate action plan to protect, preserve and prevent harm from reported health hazards associated with wind powered generation facilities.

Reason:

Government has issued the approvals for the renewable energy projects powered by wind. It holds the responsibility to the people to be responsive and demonstrate remedy from the documented incident reports of adverse effects and harm. The mandate of elected government is to serve and protect all people within their jurisdiction. Government Ministers, ministries, agencies and municipalities have an ethical duty and legal obligation to protect the health, safety, quality of life and well-being of citizens and their properties. These fundamental legal entitlements cannot be ignored, compromised or denied by elected officials, staff and/or representatives of provincial and local municipal government bodies, agencies, and or boards

Relevant Legislation:

GEA (Green Energy Act)

EPA (Environmental Protection Act)

7 Steps to Repeal Ontario's Green Energy Act 2009

EA (Electricity Act)
REDA (Radiation Emitting Devices Act) * *Federal*
HPPA (Health Protection & Promotion Act)

Actions & Deliverables:

1. Invoke immediate protective orders to cease to operate renewable energy projects where reports of adverse effects have been made. The authorities to enforce protective actions are found in the Environmental Protection Act and other related Provincial legislation. Doing so would enact the precautionary principle to protect and prevent an adverse effect. EPA section 14.1 states (Bolded for emphasis):
"Prohibition, discharge of contaminant
*14 (1) Subject to subsection (2) but despite any other provision of this Act or the regulations, a person shall not discharge a contaminant or cause or permit the discharge of a contaminant into the natural environment, **if the discharge causes or may cause an adverse effect.** 2005, c. 12, s. 1 (5)."*
2. To be more specific- Wind projects that are causing reports of human distress, reports of changes in water quality, safety issue, harm to the environment, non-compliance with their REAs, etc. This authority exists under multiple current Ministry administrated statutes.
3. Reports and outcomes of these measures are to be made publicly available.

THREE

MOECC (Ministry of Environment & Climate Change):

MOH (Ministry of Health):

MOE (Ministry of Energy):

Immediate Investigation of Health Hazard reports due to Industrial Wind Turbine and associated infrastructure.

Reason:

To date there has been no investigations of health hazards in regards to wind facilities and their operations. A literature review is not an investigation. A study is not an investigation. A proponent produced report in response to reported adverse effects and incident reports is not an investigation. Population based studies are not investigations. Health Canada's 2014 report about Industrial Wind Turbines is not an investigation. The authority to order a health investigation exists.

Further under the Health Protection & Promotions Act, section 11 states (Bolded and underlined for emphasis);

7 Steps to Repeal Ontario's Green Energy Act 2009

Complaint re health hazard related to occupational or environmental health:

*“11(1) Where a complaint is made to a board of health or a medical officer of health that a health hazard related to occupational or environmental health exists in the health unit served by the board of health or the medical officer of health, the medical officer of health shall notify the ministry of the Government of Ontario that has primary responsibility in the matter and, **in consultation with the ministry, the medical officer of health shall investigate the complaint to determine whether the health hazard exists or does not exist.** R.S.O. 1990, c. H.7, s. 11 (1).”*

Relevant Legislation:

GEA (Green Energy Act)

EPA (Environmental Protection Act)

EA (Electricity Act)

REDA (Radiation Emitting Devices Act) * Federal

HPPA (Health Protection & Promotion Act)

Action & Deliverables:

1. Ministerial Directive ordering the Chief Medical Officer of Health to undertake an immediate health investigation of health hazards being reported and associated with wind facilities and the associated infrastructure. This investigation is not to be a desk top literature review but shall include actual investigations of Individual case histories, incident reports, MOECC reports and review of community-based adverse effect reports.
2. An independent third party is to conduct, investigate and review in order to address community concerns over Ministerial procedural biases demonstrated in the processes of administering Renewable Energy Approvals and post commissioning regulation compliance.
3. Review and audit of health hazards and complaints related to industrial wind turbines and associated infrastructure that have been reported to the Public Health, Medical Officers of Health, MOECC, MOECC Spills Action Hotline, and to include a review and audit of reports made directly to the wind project owners and operators. This review and audit should include inquiries to all Ministries reporting portals e.g. Occupational Health and Safety, WSIB, Ombudsman/s, Environmental Commissioner such as environmental petitions, etc. It shall include review and audit of reports made through Federal reporting portals such as the Radiation Devices Act, health and safety, aviation, world trade disputes, etc. The audit should detail all responses by government and industry in response to these complaints and their efficacy in preventing future resident complaints.
4. Ministerial Directive to all Medical Officer of Health to undertake an epidemiological study of incident, nature, quality of reported adverse health hazards in communities

7 Steps to Repeal Ontario's Green Energy Act 2009

with renewable energy projects powered by wind.

5. Reports of the findings and remediation measures and outcomes of these measures are to be publicly available.

FOUR

MOECC (Ministry of Environment & Climate Change)

MOE (Ministry of Energy)

Immediate investigation of power quality issues reported by properties adjacent to wind generation facilities

Reason:

Electricity delivered to homes and places of business such as agricultural operations have documented adverse power quality effects. According to expert opinion these adverse power qualities are due to the infrastructure and wind turbines adjacent or nearby. **(NB: Individual Case Histories with measured reports by industry experts can be made available upon consent of home owners for renewable energy projects located in Southern Ontario).**

Relevant Legislation:

GEA (Green Energy Act)

EPA (Environmental Protection Act)

EA (Electricity Act)

REDA (Radiation Emitting Devices Act)* Federal

HPPA (Health Protection & Promotion Act)

Action & Deliverables:

1. Noise, vibrations and non-ionizing radiation discharged from transformers, substations, wind turbine generators and other associated infrastructures are to be investigated.
2. Adverse incidents of non-ionizing radiation (i.e. noise) associated with industrial wind turbines, wind facilities and associated infrastructure reported to MOECC are to be filed at the Federal Portal as per the Radiating Emitting Devices Act.
3. Audit and Review of Generator and Distributors CIA, SIA and post commissioning reports of investigation of reported hazards, actions taken and outcomes.
4. IEEE 519 standards are to be enforced for infrastructures of wind facilities and associated infrastructures both for generators and distributors of electricity.
5. Review and investigations of individual case histories of power quality issues for

7 Steps to Repeal Ontario's Green Energy Act 2009

industry, agriculture and residential homes associated with wind facilities and associated infrastructure.

6. Reports of these investigations are to include outcomes and are to be made publicly available.

FIVE

MOECC (Ministry of Environment & Climate Change):

MOE (Ministry of Energy):

Immediate action plan to address power quality issues associated with properties and homes adjacent to wind generation facilities

Reason:

Safety and reliability of the electrical grid must not be compromised by exceptions for renewable energy facilities as are permitted in the Green Energy Act. Power quality, reliability, safety and price of the generation and transmission of electricity are under Ontario authority. The responsibility to deliver these qualities from any energy source is entrenched in the duties of Government.

Relevant Legislation:

GEA (Green Energy Act)

EPA (Environmental Protection Act)

EA (Electricity Act)

REDA (Radiation Emitting Devices Act)* *Federal*

HPPA (Health Protection & Promotion Act)

Action & Deliverables:

1. An effective and timely action plan that delivers safe, reliable electricity that maintains or exceeds adopted international standards for electrical quality (IEEE 519, et al) and delivers at a cost for the benefit of the people of Ontario.
2. To provide a timely report to the public with a detailed action plan concerning adverse incidents associated with power quality, electrical safety issues arising from the construction, and operations of renewable energy projects with a focus on wind power but may include solar.

7 Steps to Repeal Ontario's Green Energy Act 2009

SIX

MOECC (Ministry of Environment & Climate Change):

Undertake a review of the cost & benefit analysis of Ontario's Renewable Energy Projects

Reason:

Ontario has seen rising electricity rates that have led to increased levels of household impoverishment. Disputes exist over how rising electricity costs have been reported by the previous government. Nevertheless citizens across our Province are faced with hard choices. "Energy Poverty" can be exemplified by having to make the impossible choice of whether to eat or heat your home.

Auditor General Report 2011;

P. 89 *In May 2009, when the Green Energy and Green Economy Act (Act) was passed, the **Ministry said** the Act would lead to modest incremental increases in electricity bills of **about 1% annually**—the result of adding 1,500 MW of renewable energy under a renewable procurement program called the Feed-in Tariff program and implementing conservation initiatives. In November 2010, the Ministry forecast that a typical **residential electricity bill would rise about 7.9% annually over the next five years**, with 56% of the increase due to investments in renewable energy*

Auditor General Report 2015;

P. 225 *"The Green Energy and Green Economy Act, 2009, gave the Minister of Energy the authority to expedite the development of renewable energy by superseding many of the government's usual planning and regulatory oversight processes. Since that time, the Ministry has significantly increased the proportion of renewable energy in Ontario's supply mix, but it has done so without fully evaluating the impact, trade-offs and alternatives through a comprehensive business case analysis."*

The situation that Ontario is facing now, of rising costs and excess power supply, could have been minimized if a proper planning process, drawing on the technical expertise of the OPA and other engineering expertise, and the check-and-balance function of the OEB, had been followed.

E.g. Auditor General Report 2011;

P. 108 *"The consortium, led by two large Korean companies, approached the Ministry (of Energy) in June 2008 and proposed to make a major investment in Ontario's renewable energy sector. In June 2009, the Minister (of Energy) travelled to Korea for more discussions; six months later, **the Minister, on behalf of the government, signed the \$7-billion Green Energy Investment Agreement (GEIA) with the consortium**. The consortium committed to build 2,000 MW of wind projects and 500 MW of solar projects in Ontario in five phases by 2016, with the*

7 Steps to Repeal Ontario's Green Energy Act 2009

equipment to be manufactured in this province.

Neither the OEB nor the OPA was consulted about the agreement. The OPA was not involved until summer 2009.... On September 29, 2009, the ongoing negotiations with the consortium were publicly announced, and **Cabinet was briefed on the negotiations and prospective agreement shortly thereafter.** We were advised that Cabinet had subsequent briefings prior to finalization of the agreement in January 2010. In April 2010, the Ministry directed the OPA to negotiate with the consortium on the Power Purchase Agreements (PPAs), which outline contractual obligations and **payment terms for each renewable energy project to be developed by the consortium**"

Auditor General report 2011:

P.108 "According to the Ministry, **the consortium agreement is neither a non-competitive procurement nor a sole-source deal. Instead, it is an "investment arrangement"** with an objective of establishing a sound green energy sector in Ontario"

Auditor General Report 2015:

P. 215 "**Costly cancellation of natural gas plants—** The Ministry directed the OPA to cancel contracts for two gas plants that had been planned for the southwest Greater Toronto Area, where the need for them was greatest, and relocate them to Napanee and Lambton. Our 2013 special reports on the Oakville and Mississauga power plant cancellations **projected cancellation costs to be \$950 million.**"

Auditor General Report 2011:

P.110 "**In 2010, 86% of wind power was produced on days when Ontario was already in a net export position.**"

P.113 "The power-generating capacity of current wind and solar technology is much lower than other energy sources, as illustrated in Figure 10.

Figure 10: Capacity Factors (Expected Output) and Capacity Contributions (Output during Peak Electricity Demand), by Energy Source (%)

Source of data: OPA and IESO

	Capacity Factor	Capacity Contribution
nuclear	84	95–100
coal	66	90–100
hydroelectric	90	71
bioenergy	75–85	65–100
natural gas	85	50–100
solar	13–14	40
wind	28	11

Wind generators operate at 28% of name-plate capacity factor but have only 11% availability at peak demand due to lower wind output in the summer. Solar generators operate at just 13% to 14% capacity factor on average for the year but have 40% availability at peak demand in the summer.

7 Steps to Repeal Ontario's Green Energy Act 2009

*We analyzed the performance of all wind farms in Ontario in 2010 based on IESO data. Although the average capacity factor of wind throughout the year was 28%, it fluctuated seasonally, from 17% in the summer to 32% in the winter. It also **fluctuated daily, from 0% on summer days, when electricity demand was high, to 94% on winter days, when demand was lower.** Our analysis also indicated that wind output was out of phase with electricity demand during certain times of day."*

Auditor General Report 2011:

P. 121 "The German government also had to build new coal-fired plants and refurbish old ones to cover electricity requirements that could not be met through intermittent wind generation.

The Green Energy and Green Economy Act 2009 give priority to wind and solar – both are low value generators that cannot keep the lights on, but require natural gas back up. A situation that actually increases our CO2 output. (Source: Ontario Society of Professional Engineers)

According to a warning from the International Energy Agency once penetration of variable renewables exceeds 25 per cent to 30 per cent, the need for dispatchable power becomes critical for system reliability.

Auditor General Report 2015:

P.228-229 "Capacity contribution is installed capacity at peak electricity demand and decreases as more renewables are added to the supply mix"

The reliability of the grid decreases the more wind and solar generation we add.

According to the Auditor General Report 2015:

"We calculate that electricity consumers have had to pay \$9.2 billion (the IESO calculates the amount closer to \$5.3 billion) more for renewables over the 20-year contract terms under the Ministry's current guaranteed-price renewable program than they would have paid under the previous program"

*P. 216 "**Generators compensated for constrained outputs**—generators may be entitled to compensation payments (in addition to the market price they receive for producing energy) when they are asked by the IESO to supply more or less power as the system requires. From 2009 to 2014, a total of \$407.6 million had been paid to compensate generators ... In 2014 alone, generators were paid \$117.3 million—an increase of 77% since 2009. Overall, we found that generator-constrained volumes have significantly increased (by 36%) while electricity demand has remained relatively stable.*

*From 2009 to 2014, Ontario had to pay generators \$339 million for curtailing 11.9 million MWh of surplus electricity; during the same period, **Ontario exported 95.1 million MWh of power to other jurisdictions, but the amount it was paid was \$3.1 billion less than what it cost to produce** that power. In 2014 alone, 47% of Ontario's total power exports were related to surplus*

7 Steps to Repeal Ontario's Green Energy Act 2009

generation, with low-cost and low-carbon-emission energy, such as hydropower and nuclear-generated electricity, being exported. As well, from 2009 to 2014, there were also almost 2,000 hours in which the Hourly Ontario Electricity Price was negative, and Ontario paid exporters a net total of \$32.6 million to take our power.”

Attorney General Report 2015:

P. 222”**Increasing costs for consumers**—many of the Ministry’s directives and directions to the OPA relating to the procurement of electricity from renewable energy, natural gas and nuclear resources presented a significant cost impact to Ontario electricity consumers. **Annual electricity consumption in Ontario has decreased** from 151.1 million MWh in 2006 to 139.8 million MWh in 2014. Despite this decrease in consumption, **Ontario’s generation capacity has increased by 19% over the same period...**”

So we continue to add wind and solar generation to a system that is already over saturated with surplus power generation...**electricity charges for residential and small-business electricity consumers have increased by 70%...** Most of the increase in what consumers pay for electricity has come from generation-cost increases, which currently account for about 60% of the overall cost of electricity. Generation costs have increased by 74% over the last decade, from \$6.7 billion in 2004 to \$11.8 billion in 2014, and they are expected to grow to \$13.8 billion by 2022.

What am I Paying for? – the cost of generating electricity in Ontario; by Catherine Mitchell, 2017(article available upon request);

Technically Ontario could produce all our power needs from nuclear and hydro generators. This would provide an electrical system with zero CO2 emissions. But our hydro and nuclear generating systems are constrained to accommodate wind and solar generation so only ninety percent of the power produced in Ontario is generated from nuclear and hydro plants.

Natural gas plants provide back up for wind and solar and according to the *IESO Generator Output by Fuel Type Monthly Report for 2017* operated at 5% (five percent) of their potential generation capability.

According to the *Total Electricity Supply Cost Source Power Advisory 2018- 2019*; P. 16 Natural gas is paid \$188 per MW produced. The cost for 2017 was \$0.8 billion for power produced and a flat rate of over \$1.2 billion for gas plants paid to sit idle so the total cost for natural gas was over \$2 billion dollars for 2017.

Solar generation is paid \$513 per MW produced – eight times the cost of hydro. The total cost of installed and embedded solar was \$1.55 billion in 2017. Wind generation is paid \$159 per MW produced. Wind – like solar - is intermittent and unreliable and provided 765 MW per hour from an installed nameplate capacity of 4313 MW in 2017. The cost was \$1.47 billion dollars in 2017.

The final 10% of the power generated in Ontario is costing us \$5 billion dollars a year – over 40% of the total cost of the generation of electricity in Ontario. And we still pay for delivery charges, regulatory charges, and HST. A government generated waste as we pay for duplication,

7 Steps to Repeal Ontario's Green Energy Act 2009

underutilization and the huge government subsidies for the generation of surplus power in Ontario.

Relevant Legislation:

GEA (Green Energy Act)

EPA (Environmental Protection Act)

EA (Electricity Act)

REDA (Radiation Emitting Devices Act)* *Federal*

HPPA (Health Protection & Promotion Act)

Action & Deliverables:

1. Reduce cost
2. Reduce debt
3. Common Sense
4. Electricity shall remain a public asset and must provide direct benefit for the people

SEVEN

MOECC (Ministry of Environment & Climate Change):

Attorney General:

Repeal the Green Energy Act.

Reason:

Restore protective legislatures amended by the Green Energy Act 2009.

Restore protections, prevention of harm to health and the environment.

Action & Deliverables:

1. React
2. Repeal
3. Restore health

Conclusion:

We are in pursuit of a reliable, efficient and sustainable energy system that respects the interests and rights of the people in Ontario. We demand an energy system that places burden of proof for safety, prevention and protection from harm onto the generators, transmitters and regulators who shall ensure and enforce compliance. We need an energy system that safeguards our health and environment. We need an energy system based on value for money, adequacy, reliability, and quality of service.

7 Steps to Repeal Ontario's Green Energy Act 2009

The Ontario energy system can today meet all our needs with nuclear (11,537 MW per hour forecast capability at peak demand) and hydro (5786 MW per hour forecast capability at peak demand). The introduction of costly intermittent wind and solar generation has resulted in duplication, so we now pay for overproduction, systems paid not to produce, and we export surplus energy for less than the cost of production.

The Liberal government downloaded \$200 billion dollars of debt onto our children and grandchildren in the budget. But they also off-loaded billions of dollars of debt onto future ratepayers with the 'un' Fair Hydro Plan. The implementation of the Green Energy Act 2009 has resulted in the destruction of our energy system through duplication, foreign ownership, underutilization of baseload renewables that existed in the system (Hydro production could have been ramped up to cover the production of wind and solar). We now have an agreement with Quebec to purchase hydro power at the same time we spill renewable energy from water over Niagara Falls!

You have jurisdiction over electricity production and therefore as an elected majority government of Ontario you have the legislative ability to pass a law repealing the Green Energy Act 2009. You have the ability to cancel or change contracts made by a previous government, therefore, you have the power and authority to terminate or amend all FIT contracts. The people who wrote the contracts, financed the projects and lobbied to drive costs onto ratepayers to benefit other bureaucrats are complicit in creating the unfair hydro rates that currently exist in Ontario

Government by the people, for the people. We demand accountability within our elected government today, for the protection of our children and grandchildren tomorrow.

CONTACT INFORMATION

Mothers Against Wind Turbines Inc. (MAWTI)

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7 Steps to Repeal Ontario's Green Energy Act 2009

Addendum: *Letter from a Concern Citizen- June 2018*

Dear Mr. Ford,

I am writing to you and your esteemed colleagues requesting that the new PC majority government repeal the Green Energy Act with the swiftest possible speed. I know you have railed against this misguided piece of legislation. Indeed, your estimate of its low caliber is echoed by Pierre-Olivier Pineau, Associate Professor and Electricity Market Expert, University of Montreal HEC Business School, who opined that "Ontario is probably the worst electricity market in the world."

<https://www.forbes.com/sites/judeclemente/2016/03/30/ontarios-high-electricity-prices-crush-business/#2a8c5ab44587>

As you know, this Act has been a disaster on many fronts – its inability to effect the desired reduced CO2 emissions, its harmful effect on the environment, its negative impact on the economy and our electricity rates, its stripping of municipal planning and zoning rights, and importantly, its deleterious impacts on rural residents who only want a safe and quiet place to enjoy their homes and properties.

1. Tweaking the GEA is folly, as the very Act is based upon faulty foundations – that the wind is free, clean, and always blowing somewhere. This myth fails to take into account that wind is unpredictable, non-dispatch able, unreliable and inherently intermittent. When added to a power grid designed entirely around dispatchable sources, it leads to grave system instability. As renewable energy sources are added into the mix, their impact is exacerbated by an inability to match loads (demand) with supply, as supply would be increasingly and inconveniently dictated by phenomena like the weather (and sunset). The green mantra also fails to acknowledge the requisite concomitant use of fossil fuels (particularly, gas) run in an open cycle, stop and go, inefficient mode like the Don Valley at rush hour. And it fails to deal with the vast stretches of weather system patterns and the transmission requirements necessary to connect with Dorothy in wind-blown Kansas.

Let's see the real world evidence for the lobbyists' wind energy case. I'm weary of these relentless projections, uncontaminated as they are by reality. In a nutshell, what these profiteers are seeking to do, through methodological legerdemain, is to make wind appear to be what it is not. This is a plot lifted out of Cinderella and her step-sisters, or the Emperor's New Clothes. It's really a story of class aspirations, but one that is bizarrely twisted: giving wind a makeover to make her seem fetching and comely when in fact she's really a frog.

<https://www.masterresource.org/droz-john-awed/21-bad-things-wind-power-3-reasons-why/>

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2. Furthermore, mere enforcement of GEA regulations is an insipid approach. The regulations fail to include infrasound, low frequencies, high frequencies, amplitude modulation, stray voltage, vibration, the trespass of shadow flicker, the destruction of prime agriculture lands, disturbances to water wells, impact on livestock and wildlife harm/harassment/ kill/displacement, among other winning features of IWTs. Nor does it address the legality of gagging lease holders from discussing health impacts, thereby precluding public safeguards. Moreover, the existing regulations regarding acoustic testing and monitoring, when implemented at all, are cumbersome by design, rarely feasible, and statistically dishonest.

3. The only honourable approach to addressing the Green Energy Act is to cancel it. In a Financial Post article entitled “Yes, Ontario’s Liberals can cancel their terrible renewable power contracts—and they should do it now”, (Lawrence Solomon, September 2016) argues for “cancelling Ontario’s odious renewables contracts”. He writes:

A compelling legal case? There is none, if the province proceeds properly, explains Bruce Pardy, professor of law at Queen’s University, a former adjudicator for the Ontario Environmental Review Tribunal and author of the 2014 Fraser Institute study, *Cancelling Contracts: The Power of Governments to Unilaterally Alter Agreements*.

“The right way is to legislate: to enact a statute that declares green contracts to be null and void, and the province to be free from liability,” he explains.

“Statutes can override iron-clad provisions in a contract because that is the nature of legislative supremacy: Legislatures can pass laws of any kind, as long as they are within their jurisdiction and do not offend the constitution. Legislating on electricity production is clearly a provincial power, as are ‘property and civil rights.’”

There is no compelling case for Ontario to honour its odious renewable power deals

<http://business.financialpost.com/opinion/lawrence-solomon-yes-ontarios-liberals-can-cancel-their-terrible-renewable-power-contracts-and-they-should-do-it-now#comments-area>

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Mr. Solomon's argument is further substantiated by the case of *Trillium Power Wind Corporation v. Ontario* (2012):

Application of the Decision

This decision, especially in light of the Ontario Divisional Court's decision in *Skypower v. Minister of Energy*,^[3] if not overturned on appeal,^[4] suggests that proponents who choose to participate in discretionary government programs, such as Ontario's renewable energy program, may do so at their own risk. Governments may alter the policies which underlie a program, and may even alter or cancel such programs, in a manner which may be lawful and immune from civil suit. Much will depend upon the particular facts of a case.

Even if the plaintiff can plead a special relationship with government actors which arguably gives rise to a private law duty of care, the duty of care may be negated by the court for reasons of public policy.

https://c.ymcdn.com/sites/www.tlaonline.ca/resource/resmgr/toronto_law_journal_2012/toronto_law_journal_-_novemb.pdf

Furthermore, in the Supreme Court case, *Wells vs Newfoundland*, 1999, the Judges' decision states (Paragraph 48):

It is conceivable that a case might arise where the government cannot accept the decision of a court holding the Crown liable for breach of contract. For example, a court might award damages that were so high as to place an intolerable cost on a desired public policy. The solution to this case is legislation. The Parliament or Legislature has the power to cancel a contract, and this power is not limited by any obligation to pay compensation. Similarly, judicial decisions can be retroactively reversed or modified. The Canadian Charter of Rights does not provide any general protection for private property or any general prohibition on retroactive laws. Through legislation, therefore, the will of the community can be made to prevail over private contract rights. That is the ultimate safeguard of public policy.

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https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/1730/index.do?site_preference=normal

Mr. Ford, many rural residents have been holding on for a June 7th PC win as their last hope in dealing with the adverse living circumstances imposed upon us by the McGuinty-Wynne dynasties. I encourage you to repeal this disastrous Green Energy Act and return our homes and our pastoral farmlands to their idyllic pre-GEA state.

Sincerely,

A Concerned Citizen.