

# ISO Rules

## Part 100 General

### Division 103 Administration

#### Section 103.14 Waivers and Variances



#### Applicability

- 1 Section 103.14 applies to:
  - (a) a **market participant**, including:
    - (i) a **legal owner**;
    - (ii) an **operator**; and
    - (iii) a **pool participant**; and
  - (b) the **ISO**.

#### Requirements

##### Applicable ISO rules

**2(1)** The **ISO** must consider a request for either one or both of a waiver and variance to any requirement in the following:

- (a) Section 304.3 of the **ISO rules**, *Wind and Solar Power Ramp Up Management*;
- (b) Section 304.9 of the **ISO rules**, *Wind and Solar Aggregated Generating Facility Forecasting*;
- (c) any Section in Division 502, *Technical Requirements of Part 500, Facilities* of the **ISO rules**; and
- (d) any predecessor document to the **ISO rules** set out in subsections 2(a) through (c).

**(2)** The **ISO** may either grant, in whole or in part, or deny a request for a waiver or variance submitted in accordance with this Section 103.14.

##### Grounds for requesting a waiver or variance

**3(1)** A **market participant** may request either one or both of a waiver and variance to any of the requirements set out in the **ISO rules** or predecessor documents listed in subsection 2.

**(2)** A **market participant** must provide grounds for requesting a waiver or variance which must be the grounds specified in the applicable **ISO rule** or predecessor documents or, where the grounds are not specified, must include one or more of the following circumstances where compliance with the requirements of the subject **ISO rule**:

- (a) is not technically possible or is precluded by technical limitations;
- (b) is operationally infeasible;
- (c) is operationally unnecessary to achieve the intended purpose or outcome of the **ISO rule**;
- (d) cannot be achieved by the required compliance date regardless of good faith efforts by the **market participant** which does not include a failure to appropriately plan;
- (e) would pose a safety risk or safety issue;
- (f) would conflict with a separate statutory or regulatory requirement that is applicable and cannot be waived or exempted;
- (g) would require the incurrence of costs that significantly outweigh the benefits achieved or would result in severe economic hardship;
- (h) could be achieved in an alternate timeframe that is reasonable to consider in light of other relevant factors, including upcoming scheduled maintenance, and anticipated facility upgrades;

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- (i) would have suboptimal results compared with the use of alternate technology that would meet or exceed the objectives of the subject **ISO rule**; and
- (j) does not allow for testing the application of technology that was not considered during the development of the requirements.

#### Criteria for evaluating a request

4 The **ISO** must be satisfied that the grounds provided are sufficient and use one or more of the following criteria to evaluate any request for a waiver or variance:

- (a) criteria already specified in the applicable **ISO rule**;
- (b) technical feasibility;
- (c) operational feasibility and burden;
- (d) safety;
- (e) economic impacts;
- (f) material impacts on a fair, efficient, and openly competitive market;
- (g) whether appropriate mitigation measures, mitigation plans, or remediation plans can be or are put in place; and
- (h) the **reliability** of the **interconnected electric system**.

#### Submission of Information

5 A **market participant** must:

- (a) make a request for a waiver or variance to the **ISO** in writing in the form the **ISO** specifies;
- (b) respond to requests from the **ISO** for additional information or for the submission of a revised request; and
- (c) advise the **ISO** as soon as practicable upon becoming aware of a material change in the facts or circumstances underlying a request.

#### Evaluation Process

6 The **ISO** must:

- (a) acknowledge receipt of a request for a waiver or variance;
- (b) request any additional information it requires to complete the evaluation of the request;
- (c) provide updates on progress;
- (d) provide a written decision to the **market participant**; and
- (e) if it denies the request, give reasons.

#### Content of a waiver or variance

7 The **ISO** must include the effective date in an approved waiver or variance and any of the following as applicable:

- (a) expiry date;
- (b) mitigation or remediation plans, including milestones;

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- (c) reporting requirements; and
- (d) any other terms and conditions the **ISO** considers necessary.

**Ongoing management of a waiver or variance**

**8(1)** A **market participant** must, as soon as reasonably practicable, notify the **ISO** of any material change to the facts or circumstances underlying the approval of a waiver or variance.

**(2)** A **market participant** may transfer a waiver or variance with the **ISO's** written consent which consent will not be unreasonably withheld.

**(3)** The **ISO** may amend or revoke a waiver or variance upon reasonable notice if:

- (a) there is a material change to the facts or circumstances underlying the approval of the waiver or variance; or
- (b) the **market participant** does not fulfill the terms or conditions of the approval.

**Revision History**

Date	Description
2019-12-11	Initial release.