



EB-2018-0143

Independent Electricity System Operator

Application for approval of 2018 revenue requirement, expenditures and fees

DECISION ON ISSUES LIST AND PROCEDURAL ORDER NO. 2

July 30, 2018

The Independent Electricity System Operator (IESO) filed an application with the Ontario Energy Board (OEB) on April 30, 2018 under section 25(1) of the *Electricity Act, 1998*, seeking approval for the IESO's 2018 expenditures, revenue requirement and fees.

In accordance with Procedural Order No. 1, OEB staff and six intervenors – the Association of Major Power Consumers of Ontario (AMPCO), Energy Probe Research Foundation (EP), Environmental Defence (ED), HQ Energy Marketing Inc. (HQEM), School Energy Coalition (SEC) and the Vulnerable Energy Consumers Coalition (VECC) – filed comments on the draft issues list prepared by the IESO, and the IESO responded to those comments.

This Decision and Procedural Order approves a final issues list, and also addresses two other procedural matters: the deadline for interrogatories and an intervenor request that was not dealt with in Procedural Order No. 1.

Issues List Decision

After considering the submissions, the OEB has approved the final issues list attached as Schedule A, for the reasons set out below. The OEB takes this opportunity to caution parties that it will not consider any argument or interrogatories that ask for the

IESO to speculate on changes to government initiatives, policies, regulation and legislation that have not yet been put into place.

1.0 Revenue Requirement, Operating Costs and Capital Spending

The OEB approves the issues in category 1 as initially proposed by the IESO. The OEB accepts the IESO's explanation that an issue on operating costs is no longer required because the net revenue requirement equals the IESO's operating costs. An assessment of operating costs is therefore in scope of issue 1.1.

AMPCO proposed the following two issues be added to category 1:

- 1.5** *Are the IESO's forecast 2018 operational costs for the Market Renewal Program appropriate in the context of the scope and timing of the overall project?*
- 1.6** *Are the IESO's forecast 2018 capital costs for the Market Renewal Program appropriate in the context of the scope and timing of the overall project?*

In its submission, AMPCO indicated that its proposed issue 1.5 appeared in the issues list for the IESO's 2017 Fees application¹ and given the overall significance of the Market Renewal Program it is appropriate to include the issues as part of the 2018 issues list. The IESO did not support the addition of these two proposed issues and stated that these issues are captured by OEB staff's proposed issue under category 6 Market Renewal Program, which the IESO supports.

The OEB accepts AMPCO's proposed issues. However, the OEB considers these issues to be more appropriately placed under category 6 (Market Renewal Program).

Approved Issues:

- 1.1** *Is the IESO's Fiscal Year 2018 net revenue requirement of \$190.8 million appropriate?*
- 1.2** *Is the IESO's Registration & Application Fees revenue forecast of \$0.00 million for Fiscal Year 2018 appropriate?*

¹ EB-2017-0150.

1.3 *Are the IESO's projected staffing levels and compensation (including salaries, benefits, pensions and other post-employment benefits) appropriate and reasonable?*

1.4 *Is the IESO's Capital Expenditure budget for Fiscal Year 2018 appropriate?*

2.0 Usage Fees

HQEM proposed that draft issue 2.1 not be retained as, in its view, it is duplicative of issue 2.2 and was resolved in a prior application. The IESO supported HQEM's proposal to remove this issue.

The OEB agrees with the submissions of HQEM and the IESO, and will therefore remove draft issue 2.1 from the issues list.

Approved Issues:

2.1 *Is the methodology used to derive the proposed IESO Usage Fees and the resulting Usage Fees of \$1.2402/MWh for domestic customers and \$1.0115/MWh for export customers appropriate?*

2.2 *Is the proposed January 1, 2018 effective date for the Usage Fees appropriate?*

3.0 Registration and Application Fees

No intervenors or OEB staff proposed any modification to this category. The OEB approves these issues as initially proposed by the IESO.

Approved Issues:

3.1 *Are the Registration Fees of up to \$10,000 per proposal for electricity supply and capacity procurements, including conservation and load management procurements, appropriate?*

3.2 *Is the \$1,000 Application Fee for market participation appropriate?*

4.0 The Deferral and Variance Account

No intervenors or OEB staff proposed any modification to this category. The OEB approves these issues as initially proposed by the IESO.

Approved Issues:

- 4.1 *Is the IESO's proposal to retain an Operating Reserve of \$6 million in the Forecast Variance Deferral Account appropriate?*
- 4.2 *Is the IESO's proposal to clear the 2017 Year-End balance in the Forecast Variance Deferral Account that is in excess of the \$6 million operating reserve appropriate?*

5.0 Commitments from Previous OEB Decisions

Although intervenors and OEB staff did not propose modifications to issues 5.1 and 5.2, the OEB has modified issue 5.1 and added a new issue, issue 5.3, to consider the results of the Cost Allocation Study. The approved wording will provide clarity and guidance on the scope of these topics.

- 5.1 ***Are the targets developed by the IESO for each performance measure included in ~~Is the 2018 IESO's proposed Regulatory Scorecard~~ appropriate reasonable?***
- 5.2 *Is the Corporate Cost Allocation Study appropriate?*
- 5.3 ***Has the IESO adequately explained how the results of the Cost Allocation Study are being implemented?***

In its submission, AMPCO proposed that the following issue related to the four standard financial reporting forms be added to the issues list:

- 5.2 *Are the four Standard Financial Reporting Forms appropriate?*

Appendix 2-A (Capital Projects)

Appendix 2-JB (Operations and Administration Cost Drivers)

Appendix 2-JC (Operations and Administration Programs)

Appendix 2-K (Employee Costs)

This issue was included in the issues list for the IESO's 2017 fees application. AMPCO suggested that two of the forms provided in the IESO's current application differ from the format agreed upon in the settlement proposal in the IESO's 2017 fee application.

In its submission, the IESO did not oppose the addition of this issue, however it indicated that it is not required. The IESO stated that "Any variation from the agreed upon formats was not intentional and the IESO will reach out to intervenors and work with them to prepare and file revised forms."

The OEB accepts the IESO's explanation on this issue and plan to file revised forms. Therefore, this issue will not be included in Category 5.

ED requested that the OEB address transmission losses as part of Category 5 as follows:

- Confirm that the draft issues list allows Environmental Defence to explore the appropriateness of the IESO's response to the Board's directions regarding transmission losses; or
- Add a new issue 5.3 asking: "Has the IESO appropriately responded to the Board's directions regarding transmission losses?"

The IESO stated that neither issue should be included in Category 5, as issue 5.1 currently proposed by the IESO would allow ED to explore this topic.

The OEB has added a new issue, issue 5.4, on the status of the transmission losses study. This issue will allow ED and others to appropriately examine the IESO's response to the OEB's direction in its 2017 fee application with respect to transmission losses.

Approved Issues:

- 5.1 *Are the targets developed by the IESO for each performance measure included in the 2018 Regulatory Scorecard reasonable?*
- 5.2 *Is the Corporate Cost allocation study appropriate?*
- 5.3 *Has the IESO adequately explained how the results of the Cost Allocation Study are being implemented?*
- 5.4 *What is the status of the IESO's transmission losses study?*

6.0 Market Renewal Program

In its submission, OEB staff proposed edits to sub-issues 6.2 a) and 6.2 b), as shown below in bold. The IESO supported OEB staff's proposal with a few further edits, which are identified as underlined text below.

6.2 *Is the proposal to provide a comparison of actual annual achievement against plan, as described in a) and b) below, appropriate?*

- a) *Comparison of budget and actual operating and capital costs by initiative **for 2018** (which will be filed as part of available in the 2019 Revenue Requirement Submission **filing for 2018**)*
- b) *Quantification of the project performance measures of Cost Performance Index ("CPI") and Schedule Performance Index ("SPI") **for 2019** (which will be filed as part of available in the 2020 Revenue Requirement Submission **for 2019**).*

The OEB has determined that issue 6.1 should be reworded and once reworded, neither sub-issue 6.2 a) or 6.2 b) is required. Issue 6.2 is unnecessary as it related to plans for cost comparisons available beyond 2018. In addition, information available on comparison to plans is part of Issue 6.1. The revised Issue 6.1 is as follows:

6.1 *Does the "Market Renewal Program Cost Report" provide sufficient information on the financial and operational performance of the Market Renewal Program for 2017, 2018 year to date and 2018 forecast?*

OEB staff also proposed the addition of two issues as sub-issues 6.3 and 6.4 to consider the capital budget and operating expenses for the Market Renewal Program. As previously determined, the OEB accepts AMPCO's proposed wording from Category 1 on the capital and operating costs for the Market Renewal Program rather than the wording proposed by OEB staff, and includes the issues as 6.3 and 6.4.

Approved Issues:

- 6.1 *Does the “Market Renewal Program Cost Report” provide sufficient information on the financial and operational performance of the Market Renewal Program for 2017, 2018 year to date and 2018 forecast?*
- 6.2 *Are the IESO's forecast 2018 operational costs for the Market Renewal Program appropriate in the context of the scope and timing of the overall project?*
- 6.3 *Are the IESO's forecast 2018 capital costs for the Market Renewal Program appropriate in the context of the scope and timing of the overall project?*

EP Proposed New Issues:

In its submission EP proposed that the following three issues be added:

1. *Are the costs associated with meeting the Long-Term Energy Plan (LTEP) initiatives appropriate and accurately tracked?*
2. *Has IESO clearly and appropriately tracked the cost of work related to the Ontario Climate Change Plan?*
3. *Are the carrying costs of the Fair Hydro Plan appropriate?*

The IESO did not oppose EP's first addition with the edits as identified in bold below:

1. *Are the costs associated with **the activities identified in the IESO's Long-Term Energy Plan (LTEP) Implementation Plan** appropriate?*

The IESO indicated that its edits to EP's proposal provide further clarity as its work related to the LTEP is based on the IESO's LTEP Implementation Plan.

The OEB accepts the addition of EP's first proposed issue with the IESO edits as identified in bold above. This issue will be included in a new Category: 7.0 IESO LTEP Cost.

The IESO opposed EP's second proposed addition stating that these costs are not funded through the IESO's fees and thus are beyond the scope of this proceeding. In

addition, the IESO stated that the cost allocation study will address any concerns that EP may have about cross subsidization with respect to the costs of delivering programs to its customers and the costs of delivering programs related to the Green Ontario Fund.

The OEB agrees with the IESO and will not add this issue to the issues list. The OEB notes that the cost allocation study filed by the IESO on July 16, 2018 provides details of the allocation of costs incurred by the IESO in relation to GreenON.

The IESO opposed the addition of EP's third proposed issue on the grounds that the carrying costs of the Fair Hydro Plan are not funded through the IESO's fees approved by the OEB and therefore does not impact the IESO's revenue requirement. In its submission the IESO states:

The IESO's responsibilities related to the Fair Hydro Plan are set out in the *Fair Hydro Plan Act, 2017* and associated regulations, which clearly articulate that amounts, including the associated carrying costs, are held in an account established specifically for the purposes of the Fair Hydro Plan.

The OEB agrees with the IESO's argument that the carrying costs of the Fair Hydro Plan are not funded through the IESO's revenue requirement and so this issue will not be added.

The new category 7 is therefore as follows:

7.0 IESO LTEP Cost

7.1 Are the costs associated with the activities identified in the IESO's Long-Term Energy Plan (LTEP) Implementation Plan appropriate?

SEC Proposed New Issue:

SEC proposed the following issue be added to the draft issues list as a new category:

- 1. Has the IESO adequately responded to the findings and recommendations of the 2017 Annual Report of the Auditor General of Ontario?*

The IESO opposed the proposed addition as being overly broad and because many of the findings and recommendations in the report are beyond the scope of this proceeding.

The OEB agrees with the IESO that the proposed issue is overly broad and the proposed issue will not be added. Where an individual finding or recommendation within the Auditor General's Report relates to matters within the scope of this application, such matters may be addressed within the relevant issues in the OEB final approved issues list.

Scheduling of Interrogatories

On July 20, 2018 the OEB issued a letter suspending the deadlines for intervenors and OEB staff to submit interrogatories, and for the IESO to respond to those interrogatories, pending the OEB's decision on the issues list. Now that the issues list has been finalized, the OEB has determined new deadlines, which are set out below. All other deadlines in Procedural Order No. 1 remain unchanged.

Intervention Request

Brookfield Energy Marketing LP ("Brookfield") requested intervenor status within the deadline set by the OEB, but its request was inadvertently not addressed in Procedural Order No. 1. Brookfield did not apply for cost awards. Brookfield's request for intervenor status is hereby granted. A revised list of intervenors is attached as Schedule B to this Procedural Order.

THE ONTARIO ENERGY BOARD ORDERS THAT:

1. The issues list attached as Schedule A is approved.
2. OEB staff and intervenors shall request any relevant information and documentation from the IESO that is in addition to the evidence already filed, by written interrogatories filed with the OEB and served on all parties by **August 10, 2018.**

3. The IESO shall file with the OEB complete written responses to all interrogatories and serve them on all intervenors and OEB staff by **August 31, 2018**.

All filings to the OEB must quote the file number, EB-2018-0143, be made in searchable / unrestricted PDF format electronically through the OEB's web portal at <https://pes.ontarioenergyboard.ca/eservice/>. Two paper copies must also be filed at the OEB's address provided below. Filings must clearly state the sender's name, postal address and telephone number, fax number and e-mail address. Parties must use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at <https://www.oeb.ca/Industry>. If the web portal is not available parties may email their documents to the address below. Those who do not have internet access are required to submit all filings on a CD in PDF format, along with two paper copies. Those who do not have computer access are required to file 7 paper copies.

All communications should be directed to the attention of the Board Secretary at the address below, and be received no later than 4:45 p.m. on the required date.

With respect to distribution lists for all electronic correspondence and materials related to this proceeding, parties must include the Case Manager, Michael Lesychyn at Michael.Lesychyn@oeb.ca and OEB Counsel, Ian Richler at Ian.Richler@oeb.ca.

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DATED at Toronto, July 30, 2018

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary

SCHEDULE A
FINAL ISSUES LIST
DECISION ON ISSUES LIST
INDEPENDENT ELECTRICITY SYSTEM OPERATOR
EB-2017-0143
July 30, 2018

INDEPENDENT ELECTRICITY SYSTEM OPERATOR

EB-2017-0143

SCHEDULE A: FINAL ISSUES LIST

1.0 Revenue Requirement, Operating Costs and Capital Spending

- 1.1** Is the IESO's Fiscal Year 2018 net revenue requirement of \$190.8 million appropriate?
- 1.2** Is the IESO's Registration & Application Fees revenue forecast of \$0.00 million for Fiscal Year 2018 appropriate?
- 1.3** Are the IESO's projected staffing levels and compensation (including salaries, benefits, pensions and other post-employment benefits) appropriate and reasonable?
- 1.4** Is the IESO's Capital Expenditure budget for Fiscal Year 2018 appropriate?

2.0 Usage Fees

- 2.1** Is the methodology used to derive the proposed IESO Usage Fees and the resulting Usage Fees of \$1.2402/MWh for domestic customers and \$1.0115/MWh for export customers appropriate?
- 2.2** Is the proposed January 1, 2018 effective date for the Usage Fees appropriate?

3.0 Registration and Application Fees

- 3.1** Are the Registration Fees of up to \$10,000 per proposal for electricity supply and capacity procurements, including conservation and load management procurements, appropriate?
- 3.2** Is the \$1,000 Application Fee for market participation appropriate?

4.0 The Deferral and Variance Account

- 4.1 Is the IESO's proposal to retain an Operating Reserve of \$6 million in the Forecast Variance Deferral Account appropriate?
- 4.2 Is the IESO's proposal to clear the 2017 Year-End balance in the Forecast Variance Deferral Account that is in excess of the \$6 million operating reserve appropriate?

5.0 Commitments from Previous OEB Decisions

- 5.1 Are the targets developed by the IESO for each performance measure included in the 2018 Regulatory Scorecard reasonable?
- 5.2 Is the Corporate Cost allocation study appropriate?
- 5.3 Has the IESO adequately explained how the results of the Cost Allocation Study are being implemented?
- 5.4 What is the status of the IESO's transmission losses study?

6.0 Market Renewal Program

- 6.1 Does the "Market Renewal Program Cost Report" provide sufficient information on the financial and operational performance of the Market Renewal Program for 2017, 2018 year to date and 2018 forecast?
- 6.2 Are the IESO's forecast 2018 operational costs for the Market Renewal Program appropriate in the context of the scope and timing of the overall project?
- 6.3 Are the IESO's forecast 2018 capital costs for the Market Renewal Program appropriate in the context of the scope and timing of the overall project?

7.0 IESO LTEP Cost

- 7.1 Are the costs associated with the activities identified in the IESO's Long-Term Energy Plan (LTEP) Implementation Plan appropriate?

SCHEDULE B
APPLICANT AND INTERVENOR LIST
UPDATED
INDEPENDENT ELECTRICITY SYSTEM OPERATOR
EB-2017-0143
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Independent Electricity System Operator

EB-2018-0143

APPLICANT & LIST OF INTERVENORS

Updated July 30, 2018

APPLICANT

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INTERVENOR

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INTERVENOR

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INTERVENOR

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INTERVENOR

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INTERVENOR

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INTERVENOR

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Energy Marketing
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(Updated July 30, 2018)

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