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February 25, 2019

Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
27th Floor
2300 Yonge St
Toronto, ON
M4P 1E4

**Re: Rate Design for Electricity Commercial and Industrial Customers
Board File No. EB-2015-0043**

Dear Ms Walli,

Further to the Board letter dated February 21, 2019 and the Board's *Practice Direction on Cost Awards*, we are writing to request intervenor status and cost award eligibility in relation to the latest phase of the above-mentioned consultation initiative. We believe the rate design is very important to existing and potential biogas producers in Ontario and will impact our members and biogas producers in their connections to electricity customers of electricity distributors.

Experts

The Canadian Biogas Association ("CBA") proposes to retain an expert to assist with preparation of comments on the expected staff report and other eligible activities as appropriate. At this stage the CBA expects to involve Compass Renewable Energy Consulting Inc. to represent its interests in this proceeding.

CBA is therefore requesting cost eligibility for this proceeding.

Practice Direction and other Funding

CBA currently does not have access to other funding to enable its participation in this initiative.

In accordance with Section 3 of the Board's *Practice Direction on Cost Awards*, CBA believes that it is eligible for an award of costs as it represents potentially affected customers as well as a public interest relative to the Board's mandate (s.3.03(b)) and CBA members are persons with interests that will be affected by the outcome of the process (2.3.03(c)). CBA is an association

that represents generation and technology providers, who are often customers of distribution and/or applicants in other related proceedings. As a result, CBA submits that special circumstances exist to find that it is eligible for a cost award in this process despite the fact that certain of its members may fall within s.3.05(b) of the Practice Direction.

CBA is a non-profit organization representing rural and some urban electricity generators in Ontario. CBA members produce electricity from on and off farm facilities that produce electricity and solve local environmental problems. CBA members are customers of distribution utilities in Ontario, and many have current distribution connection agreements in place under the FIT program or in a net metering configuration with applications in development or underway. CBA members often experience challenges associated with building and operating distribution connections, challenges which can in many cases be helped or hindered as a result of the business models adopted by distributors in response to the prevailing rate design solutions.

The Board must manage and balance the competing challenges of cost allocation with encouraging innovation in an evolving sector.

CBA and its members therefore have a significant interest in this consultation initiative.

CBA will take steps to co-ordinate with other supplier organizations and limit its participation to issues of material concern to biogas and mainly rural suppliers.

CBA submits that it should be eligible for costs on the following grounds:

- (a) CBA Represents a Class of Consumers in this Proceeding: New charges that may result from this proceeding could have material impact on the business conditions faced by biogas generators. Therefore, notwithstanding s. 3.05 of the Practice Direction, special circumstances exist that would warrant an award of costs pursuant to section 3.07 of the Practice Direction.
- (b) It is in the Public Interest to Facilitate Supplier Participation: CBA's members are building and planning new projects in response to evolving technologies and market conditions and environmental concerns. Given that the issues in the present proceeding are to some extent supply-related, and likely to be of greatest concern to proponents of Distributed Energy Resources, the Board should facilitate the participation of suppliers in order to provide the best evidentiary basis for its determination. Many of CBA's members are too small to participate individually in a meaningful way in this proceeding. CBA's participation facilitates the involvement of such members, and ensures that the Board has before it a comprehensive representation in this proceeding from the biogas power generator community.
- (c) CBA's Participation Contributes to Hearing Efficiency: CBA's representation of its members in such a proceeding would be a much more effective and efficient regulatory approach than having each of its members make their own interventions, with attendant duplication and extra costs. CBA has participated similarly in earlier phases of this proceeding and in numerous other electricity hearings (e.g. Transmission Project Development Planning,

transmission and distribution cost responsibility proceedings, RRFE, etc.) and in natural gas proceedings (e.g., NGEIR, storage allocation, Enbridge and Union IRM proceedings).

(d) Full and informed CBA Participation Requires Intervenor Funding: CBA, like other trade associations do not have independent funding sufficient to support efficient and effective participation in the proceedings and it would not be able to do so without funding.

The above is not an exhaustive list of CBA's interests in this proceeding. There may be other issues of concern to CBA that arise or develop during the proceeding. CBA seeks at all times to retain and reflect the perspective of the generation industry as a whole, and to present a balanced view of policy issues affecting the electricity industry and the public at large in Ontario.

On the basis of the foregoing, CBA respectfully requests that the Board award its request to participate as an intervenor, to prepare comments on the "Staff Report to the Board: Rate Design for Commercial and Industrial Customers to Support an Evolving Electricity Sector" and to participate in the stakeholder meeting, and the related cost eligibility.

Sincerely,



Jennifer Green
Executive Director
Canadian Biogas Association

cc: Laurie Reid