

EB-2013-0010
EB-2013-0029

IN THE MATTER OF the *Electricity Act*, 1998, S. O. 1998, c.15, Schedule A;

AND IN THE MATTER OF an Application made collectively by entities that have renewable energy supply procurement contracts with the Ontario Power Authority in respect of wind generation facilities for an Order revoking amendments to the market rules and referring the amendments back to the Independent Electricity System Operator for further consideration.

PROCEDURAL ORDER NO. 5

March 1, 2013

On January 24, 2013, a number of entities that have renewable energy supply procurement contracts with the Ontario Power Authority (the “OPA”) in respect of wind generation facilities (the “Applicants”) collectively filed with the Ontario Energy Board an application under section 33(4) of the *Electricity Act*, 1998 (the “Electricity Act”) seeking the review of certain amendments to the market rules made by the Independent Electricity System Operator (the “IESO”) (the “Application”). The market rule amendments in question (the “Renewable Integration Amendments”) deal with the dispatching of, and the establishment of floor prices for, variable generation facilities, defined as all wind and solar photovoltaic resources with an installed capacity of 5MW or greater,¹ or all wind and solar photovoltaic resources that are directly connected to the IESO-controlled grid.

¹ Wind and solar photovoltaic resources that are embedded (i.e., not directly connected to the IESO-controlled grid) are captured by the Renewable Integration Amendments only if they are registered market participants.

The Board has today received from the Applicants notification that they are withdrawing their Application. A copy of the Notice of Withdrawal is attached to this Procedural Order.

Under Rule 20 of the Board's *Rules of Practice and Procedure*, the Board may continue this proceeding if it believes that the withdrawal may adversely affect the interests of any party or may be contrary to the public interest.

The Board's preliminary view is that continuation of this proceeding is not required relative to the criteria set out in Rule 20. The Board could have initiated a review of the Renewable Integration Amendments on its own motion but did not do so. No application to review the Renewable Integration Amendments was filed with the Board by any person – including the intervenors in this proceeding - other than the Applicants.

However, the Board will provide intervenors with an opportunity to make submissions to the Board if they wish to request that the Board consider continuing this proceeding. Any such submissions should clearly identify the grounds for the request, and will be due no later than 9:00 a.m. on Monday, March 4, 2013.

In accordance with the Board's Decision and Procedural Order No. 3, a Technical Conference is scheduled to commence on Monday, March 4, 2013 at 9:30 a.m. The Board will defer commencement of the Technical Conference to 11:00 a.m., to allow for the eventuality that this proceeding may be discontinued. To avoid, as much as possible, the unnecessary expenditure of time and resources by the parties, intervenors are asked to make all reasonable endeavors to file any submissions they may wish to make by the end of the day today. Any intervenor that is in a position to confirm that it does not intend to make such submissions is also asked to so notify the Board in writing by the end of the day today.

The Board will endeavor to communicate its determination in relation to the continuation of this proceeding as soon as possible, and may call upon Board staff to notify the parties by e-mail. However, absent further communication from the Board or Board staff, parties should continue to adhere to the filing deadlines and schedule for this proceeding as set out in previous Procedural Orders, save in respect of the timing of commencement of the Technical Conference.

THE BOARD ORDERS THAT:

1. Any party that wishes to make a submission to the Board requesting that the Board consider continuing this proceeding notwithstanding withdrawal of the Application shall file that submission with the Board, and deliver it to all other parties, no later than **9:00 a.m. on Monday, March 4, 2013.**
2. The Technical Conference scheduled for Monday, March 4, 2013 will commence at **11:00 a.m.**
3. Except as modified by this Procedural Order, the filing deadlines and schedule for this proceeding remain unchanged.

All filings to the Board must quote file number EB-2013-0029, be made through the Board's web portal at <https://www.pes.ontarioenergyboard.ca/eservice/> and, except as noted above, shall consist of two paper copies and one electronic copy in searchable / unrestricted PDF format. Filings must clearly state the sender's name, postal address and telephone number, fax number and e-mail address. Parties shall use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at <http://www.ontarioenergyboard.ca/OEB/Industry>.

If the web portal is not available, parties may e-mail 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. Except as noted above, filings must 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, Edik Zwarenstein at Edik.Zwarenstein@ontarioenergyboard.ca and the Board's Associate General Counsel, Martine Band at Martine.Band@ontarioenergyboard.ca.

ADDRESS

Ontario Energy Board
P.O. Box 2319
2300 Yonge Street, 27th Floor
Toronto ON M4P 1E4
Attention: Board Secretary
E-mail: Boardsec@ontarioenergyboard.ca
Tel: 1-888-632-6273 (toll free)
Fax: 416-440-7656

DATED at Toronto, March 1, 2013

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary

Attachment: Notice of Withdrawal filed by the Applicants

APPENDIX A

TO

PROCEDURAL ORDER NO. 5

Renewable Energy Supply Generators

Board File No: EB-2013-0010/EB-2013-0029

March 1, 2013

Notice of Withdrawal filed by the Applicants

See separate document attached.

**mccarthy
tétrault**

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March 1, 2013

VIA RESS AND COURIER

Ontario Energy Board
2300 Yonge Street
P.O. Box 2319
Suite 2700
Toronto, ON M4P 1E4

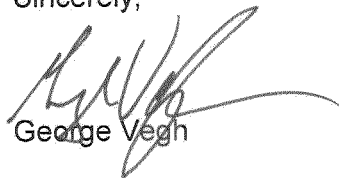
**Attention: Ms Kirsten Walli
Board Secretary**

Dear Ms. Walli:

**Re: Application to Review Market Rule Amendments Renewable Energy Supply Generators
Renewable Energy Supply Generators ("RESG")
RESG Notice of Withdrawal
Board File No: EB-2013-0029**

Please find attached the Notice of Withdrawal filed by the Applicants ("RESG").

Sincerely,



George Vegh

GAV:mt
att.

c. All Parties in Proceeding (EB-2013-0029)

ONTARIO ENERGY BOARD

IN THE MATTER OF the *Electricity Act*, 1998, S.O. 1998, c. 15,
Schedule A;

AND IN THE MATTER OF an Application made collectively by
entities that have renewable energy supply procurement contracts
with the Ontario Power Authority in respect of wind generation
facilities for an Order revoking certain amendments to the market
rules and referring the amendments back to the Independent
Electricity System Operator for further consideration.

NOTICE OF WITHDRAWAL

The Applicants hereby withdraw the application herein dated January 24, 2013.

ALL OF WHICH IS RESPECTFULLY SUBMITTED

Dated: March 1, 2013

George Vegh
McCarthy Tétrault LLP
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Email: gvegh@mccarthy.ca
Counsel for Renewable Energy Supply Generators