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July 19, 2017

Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
2300 Yonge Street, Suite 2700
Toronto, ON
M4P 1E4

Re: EB-2017-0150: APPrO Submissions on Issues List – Independent Electricity System Operator 2017 Expenditure and Revenue Requirement Application

Dear Ms. Walli:

We are counsel to the Association of Power Producers of Ontario (“**APPrO**”), an intervenor in Independent Electricity System Operator’s (“**IESO**”) 2017 Expenditure and Revenue Requirement Application (EB-2017-0150) (the “**Application**”) before the Ontario Energy Board (the “**Board**”).

In accordance with Procedural Order #1, on June 30, 2017, APPrO filed written submissions in support of proposed amendments to the issues list proposed by the IESO. The IESO filed a reply to these submissions on July 10, 2017.

In Procedural Order #2, the Board stated that it “would be aided by broader submissions on the issues” and provided that the parties may make such submissions by July 27, 2017.

By letter dated July 18, 2017, the IESO requested the Board to effectively amend Procedural Order #2 to provide the IESO with a right of reply to other submissions on the grounds that there is “potential significant impact to the IESO of any further submissions on the proposed WMSC and MRP issues”. The IESO also stated that its proposed approach is consistent with the “Board’s usual practice that the applicant be given an opportunity to respond to submissions made by others.”

APPrO has concerns with the IESO’s proposed approach and, instead, proposes that if there is an opportunity for reply submissions, that opportunity should be granted to all parties. In the

alternative, and as a way to constructively move forward, if the Board believes that the approach in Procedural Order #2 is inadequate, APPrO recommends that the Board direct the parties to participate in an issues conference under Rule 28.02 of its Rules of Practice and Procedure, where it may be possible to find common ground on the proposed issues.

APPrO has the following concerns with the IESO's proposed approach.

First, the IESO has already responded to submissions on these issues and its response did not identify any "potential significant impact to the IESO" resulting from these submissions. If the IESO seeks to identify such impacts it should request to do so through evidence that may be tested by all parties as opposed to holding back and making such allegations through reply submissions.

Second, it is incorrect to say that an applicant should be given an asymmetrical reply opportunity in each case. The Board's practice is to provide the *moving party* with a right to reply. The IESO is not the moving party in this determination. Rather, the parties proposing the proposed issues were the moving parties. Further, in Procedural Order #2, if there is a moving party, it is the Board. This is demonstrated by the fact that, in Procedural Order #2, the Board stated that it "would be aided by broader submissions on the issues". The IESO does not have a generalized entitlement to reply to parties' submissions. Again, if the IESO has points that it would like the Board to consider, it should be required to present them so that other parties can address them. It should not be able to tactically wait so that it gets the last word.

Conclusion

APPrO seeks to have a constructive and even-handed approach to addressing the scope of issues in this proceeding. It therefore proposes that, if the Board is of the view that Procedural Order #2 would not adequately satisfy its goal of being "aided by broader submissions on the issues", then all parties be given the opportunity to respond to each other's submissions or, in the alternative, that the Board direct the parties to attend an issues conference to attempt to settle the issues list in this proceeding.

Yours Truly,



George Vegh

cc: David Butters, President & CEO, APPrO
Ms. Miriam Heinz, Senior Regulatory Advisor, IESO
Mr. Fred Cass, Counsel for IESO