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March 25, 2019

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

Re: Utility Remuneration and Responding to Distributed Energy Resources

Board File Numbers: EB-2018-0287 and EB-2018-0288

Dear Ms Walli,

Further to the Ontario Energy Board (Board) letter dated March 15, 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 utility remuneration principles and plans for responding to Distributed Energy Resources considered during this consultation will have significant impacts for a wide range of customers who have business relationships with electricity distributors.

Representation and Experts

The Canadian Biogas Association (CBA) proposes to retain an expert to assist with preparation of comments on the staff scoping paper and other eligible activities as appropriate.

The CBA is therefore requesting cost eligibility for this proceeding. The Board found the CBA eligible for costs in a related proceeding, as recorded in its Decisions on cost eligibility in EB- 2015-0043 of March 20, 2019.

Practice Direction and other Funding

In accordance with Section 3 of the Board's *Practice Direction on Cost Awards*, the 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 the CBA members are persons with interests that will be affected by the outcome of the process (2.3.03(c)). The CBA is an association that represents biogas generation and technology providers, who are often customers of distribution and/or applicants in other related proceedings. As a result, the 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.

The CBA is a non-profit organization representing mainly rural electricity generators in Ontario. The CBA members produce electricity and renewable natural gas in Ontario from facilities of many types including anaerobic digesters and electricity generation facilities. The CBA members are customers of transmission and distribution utilities in Ontario, and many have current distribution connection applications in development or underway. The 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 regulatory approaches to distributed energy resources as well as the alignment or misalignment with distributors financial drivers.

Significant change is underway in the commercially-available technologies for generating, distributing, storing and managing power at the distribution level. As the Board has noted, there will likely be new business opportunities for distributors and their competitive affiliates to provide value-added services to customers, as well as to achieve operational savings for themselves and other market participants. It would be premature to speculate on the specific technologies and business models that will become attractive to customers, but they will likely combine innovations in distribution, efficiency, generation, storage and smart grid technology. In order to implement the full range of innovative solutions with economic value, distributors and their affiliates will almost certainly choose to collaborate or partner with other kinds of market participants. Certain types of remuneration models and DER response plans will facilitate such initiatives while other features may inhibit them or put developers of generation at cross-purposes with distributors' regulated wires companies. For these reasons the approach taken to Utility Remuneration and DER response planning could have a significant impact on CBA members' generation businesses and generation facilities, both those in operation and those under development.

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

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

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

- (a) The CBA Represents a Class of Consumers in this Proceeding: New regulatory approaches that may result from this proceeding could have material impact on the business conditions faced by suppliers. 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: The CBA's members are building and planning new projects in response to evolving technologies and market conditions. 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 and such servicer providers in order to provide the best evidentiary basis for its determination. Many of the CBA's members are too small to participate individually in a meaningful way in this proceeding. The 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 power generator community.

(c) The CBA's Participation Contributes to Hearing Efficiency: The 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. The CBA has participated similarly in other proceedings and in other electricity hearings and in natural gas proceedings.

(d) Full and informed CBA Participation Requires Intervenor Funding: The CBA, like other trade associations such as the Association of Major Power Consumers in Ontario ("AMPCO") does not have independent funding sufficient to support efficient and effective participation in the proceedings and it would not be able to do so absent same.

The CBA does not currently have access to other funds allocated for this purpose to enable its participation in this initiative.

The above is not an exhaustive list of the CBA's interests in this proceeding. There may be other issues of concern to the CBA that arise or develop during the proceeding. The 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, The CBA respectfully requests that the Board approve its request to participate in this consultation, to prepare comments on the topics of Utility Remuneration and Responding to Distributed Energy Resources, the related scoping paper, and the related cost eligibility.

The CBA will consult with other organizations with similar purposes, and seek to co-ordinate the various parties' input to the Board to the extent possible given the diversity of perspectives.

Although other experts may be retained as the process unfolds, the following individual is expected to be used by CBA and possibly other organizations active in the same consultation process:

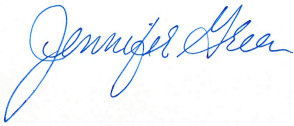
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I would be happy to discuss the Board's plans for this consultation and work with staff to uncover opportunities to ensure that the CBA's input is more effectively focused on the needs of the Board's process.

Sincerely,

A handwritten signature in blue ink that reads "Jennifer Green". The signature is fluid and cursive, with the first name being more prominent.

Jennifer Green, Executive Director