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August 1, 2019

Ontario Energy Board
2300 Yonge Street
27th Floor
Toronto, ON M4P 1E4

Attention: Kirsten Walli, Board Secretary

Dear Ms. Walli:

**Re: Ontario Sustainable Energy Association (OSEA)
Notice of Motion to Review Decision on Cost Eligibility re Utility Remuneration and
Responding to Distributed Energy Resources
Board File Nos. EB-2018-0287 and EB-2018-0288**

Willms & Shier Environmental Lawyers LLP is counsel for OSEA. On March 25, 2019, OSEA notified the Board of OSEA's intention to participate in the Board's proceedings regarding utility remuneration and responding to Distributed Energy Resources ("DERs") and sought cost award eligibility for this consultation initiative.

On July 17, 2019, the Board issued its Decision on Cost Eligibility (the "Decision"). The Board determined that OSEA and several other organizations did not meet the criteria set out in the OEB's Practice Direction on Cost Awards ("Practice Direction") and were not eligible for cost awards. The Board stated that these organizations' members "appear to be commercial entities that are primarily representing their own commercial interest and therefore do not qualify under the Practice Direction."

OSEA requests a motion to review the decision of the Board to deny OSEA cost eligibility, pursuant to Rules 40.01 and 42.01 of the Board's Rules of Practice and Procedure. OSEA submits that the Board erred by deciding that OSEA does not qualify under the Practice Direction, on the grounds that this is an error in fact.

OSEA'S SUBSTANTIAL INTEREST IN THE PROCEEDING

Pursuant to section 3.03 of the Practice Direction, OSEA submits that it is eligible for a cost award because it:

- 1 primarily represents the direct interests of consumers in relation to services that are regulated by the Board, and
- 2 primarily represents an interest or policy perspective relevant to the Board's mandate and to this proceeding about Utility Remuneration and Responding to DERs.

ABOUT OSEA

OSEA is a not for profit organization that is committed to representing the public interest on energy policy matters that contribute to energy conservation and sustainable energy development for Ontario. OSEA aims to ensure funding and rates that encourage conservation and the incorporation of renewable energy. OSEA also aims to provide education about all types of renewable energy technologies.

OSEA's members, both individuals and organizations, are interested in the development of sustainable energy in Ontario as consumers, individuals and citizens of Ontario. OSEA has been an intervenor and awarded costs by the Board in numerous previous hearings, and the Board recognized that OSEA can provide "an important and unique perspective" in EB 2011-0118.

Recent proceedings that OSEA participated in include: the Board's proceedings in 2015 for the Cap and Trade Framework, Cap and Trade Compliance Plans in 2016 and 2017, IESO's 2016 – 2019 Expenditure and Revenue Requirement Submissions, Hydro One's 2018 – 2022 Distribution Rates Application, the 2015-2020 DSM Framework, the DSM Mid Term Review, the Post 2020 DSM Framework, the Advisory Committee for the DSM Guidelines, and Enbridge's Renewable Natural Gas Enabling Program Application.

OSEA can continue to provide an important and unique perspective in the current consultation initiative.

OSEA'S REPRESENTATION OF CONSUMERS

In accordance with criterion 3.03(a) from the Practice Direction, OSEA primarily represents the direct interests of consumers (eg. ratepayers) in relation to regulated services. OSEA represents individuals and non-profit/community organizations that advocate for a variety of interest groups including ratepayers. OSEA thereby represents the direct interests of consumers. OSEA serves as an advocate, educator, network and capacity builder for individuals, manufacturers, installers, builders, developers, municipalities, First Nations, unions, farmers, co-operatives, NGO's,

associations and other organizations supportive of, and engaged in, the full portfolio of sustainability energy solutions.

OSEA submits that the Board erred in deciding that OSEA primarily represents its own commercial interest. OSEA is a public interest organization that advocates for renewable energy and innovation leading to a more sustainable energy economy. OSEA is not a trade or industry association representing any specific product suppliers, generators, or specific generation technologies.

OSEA's membership consists of several non-profit and community organizations that advocate for a variety of interest groups including ratepayers. OSEA's members include green technology developers, distributors, installers and operators and other service providers. OSEA is not an association for energy generators. OSEA's membership is diverse, and includes small scale distributors and service providers of renewables, and very few large generators. OSEA's mandate includes assisting consumers and their communities to receive the best value for their energy dollars whether through conservation, efficiency, generation, or otherwise.

OSEA'S POLICY PERSPECTIVE RELATIVE TO THE BOARD'S MANDATE AND THIS PROCEEDING

OSEA'S POLICY PERSPECTIVE RELATIVE TO THE BOARD'S MANDATE

The Board's mandate is articulated in section 1(1), paragraph 5 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15 (Schedule B) and includes promoting the use and generation of electricity from renewable energy sources in a manner consistent with the policies of the Government of Ontario.

In accordance with criterion 3.03(b) from the Practice Direction, OSEA primarily represents a public interest relevant to the Board's mandate. As previously stated, OSEA represents the public interest on renewable energy policy matters, and advocates for funding and rates that encourage the incorporation of renewable energy.

OSEA's members have contributed to the development of renewable energy policy in Ontario for over a decade. OSEA has been an active participant in OEB processes since 2007. OSEA is a founding member of the Green Energy Act Alliance which successfully called on the Ontario government to introduce and pass the *Green Energy and Green Economy Act (2009)*.

OSEA'S POLICY PERSPECTIVE RELATIVE TO THIS PROCEEDING

The OEB's stated purposes for the initiatives in this proceeding are to:

- ♦ facilitate lower costs, better service and more choice for customers by encouraging utilities and other service providers to embrace innovation in their operations and the products they offer to consumers, and
- ♦ secure the benefits of sector transformation and mitigate any adverse consequences.

In accordance with criterion 3.03(b) from the Practice Direction, OSEA represents an interest and policy perspective relevant to this proceeding about Utility Remuneration and Responding to DERs and has a direct interest in assisting the OEB to achieve the above-stated purposes in this proceeding.

OSEA is interested in encouraging utilities and other market participants to embrace innovation in their operations and the products they offer to consumers, including innovation relating to energy efficiency, storage, smart grid technology and other technologies that promote sustainability and renewable energy generation.

OSEA advocates for sector transformation to a more sustainable energy economy through the use of DERs. OSEA's public policy perspective is important to the development of a framework for DERs. OSEA and its members are directly affected by the OEB's policies on DERs, as DERs typically include the use of renewable resources such as solar, wind, waterpower, bioenergy or combined heat and power. As the IESO states in the IESO's 2016 Ontario Planning Outlook Report, "DERs can be part of the solution in addressing higher demands and reducing the need for new grid-connected resources... Addressing barriers to the adoption of distributed energy resources, such as cost allocation and integration issues, could help to better realize their potential benefits."¹ OSEA is an advocate for energy policies that address barriers to the adoption of DERs.

OSEA is currently intervening in the Board's related rate design solutions proceeding (EB-2015-0043) and intends to provide comments in both that proceeding and this proceeding about the importance of adoption of DERs.

¹ Independent Electricity System Operator, Ontario Planning Outlook: A technical report on the electricity system prepared by the IESO (September 1, 2016), <<http://www.ieso.ca/sector-participants/planning-and-forecasting/ontario-planning-outlook>>.

COLLABORATION WITH OTHER INTERVENORS

OSEA intends to collaborate and coordinate submissions with other intervenors where possible in order to avoid duplication.

Yours truly,



Matt Gardner

cc: Dan Goldberger, OSEA
Marion Fraser, Fraser & Company

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