

August 1, 2019

Kirsten Walli
Board Secretary
Ontario Energy Board
2300 Yonge Street, 27th Floor
P.O. Box 2319
Toronto, ON M4P 1E4

RE: **Decision on Cost Eligibility, EB-2018-0287 & EB-2018-0288**
 Utility Remuneration and Responding to Distributed Energy Resources

Dear Ms. Walli,

On behalf of the Canadian Solar Industries Association (“CanSIA”) I write to the Board in response to the Decision on Cost Eligibility dated July 17, 2019, which denied cost eligibility to CanSIA for EB-2018-0287 & EB-2018-0288 (“the Decision”).

CanSIA respectfully requests that the Board review and vary the Decision, pursuant to Rules 40.01 and 42.01 of the Board's Rules of Practice and Procedure. In our view, the Board erred in the conclusion that CanSIA’s “members appear to be commercial entities that are primarily representing their own commercial interest and therefore do not qualify under the Practice Direction.”

Cost Eligibility

Solar PV and energy storage technologies are the most common type of distributed energy resources (DERs) utilized by customers, including DERs which are installed behind-the-meter of an existing consumer. Customers, including consumers who have installed DERs, are directly impacted by OEB codes, policies and regulations, and will be directly impacted by the Board’s decisions related to utility remuneration and other changes implemented with respect to responding to DERs. CanSIA can help to ensure that the Board is exposed to a comprehensive representation of thousands of consumers and customers who are considering, or have installed, solar PV and energy storage. As such, CanSIA represents both the interests of consumers in relation to services that are regulated by the Board, and an interest or policy perspective relevant to the Board’s mandate and to the proceeding, consistent with section 3.03(a) and 3.03(b) of the Board’s Practice Direction of Cost Awards, respectively.

Furthermore, section 3.06 of the Board’s Practice Direction of Cost Awards states:

Notwithstanding section 3.05, a party which falls into one of the categories listed in section 3.05 may be eligible for a cost award if it is a customer of the applicant.

The Board has recognized the applicability of section 3.06 in the January 7, 2016 decision on Cost Eligibility pursuant to EB-2015-0043 stating:

APPrO and CanSIA would not usually be eligible for an award of costs due to its inclusion in the list of ineligible parties in section 3.05 of the Practice Direction. Under section 3.06 of the Practice Direction, however, such a participant may nonetheless be eligible for a cost award if the participant is a customer of the applicant.

Generators are customers of distributors, who in turn for cost awards purposes are considered to be the applicants in the context of this initiative. Moreover, the OEB has previously determined APPrO and CanSIA to be eligible for cost awards in relation to the rate design consultation. The OEB has therefore determined that APPrO and CanSIA are eligible for cost awards in relation to their participation in the consultation.

The rationale for awarding Cost Eligibility to CanSIA in past proceedings related to rate design are applicable and relevant to these consultations on utility remuneration and responding to DERs. On July 17, 2019, the Board summarized OEB staff's takeaways from stakeholder feedback with respect to priority issues to be considered as part of these proceedings. Among those priorities were:

Consumers Must Come First – Policy development should be guided by what consumers actually want and are willing to pay for. Customers and their representatives must have a voice in consultations;

and

Don't Lose Sight of Fundamental Regulatory Principles - Regulation should facilitate an appropriate risk/reward balance between utilities and their customers;

and

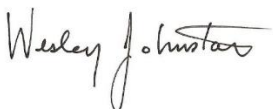
Effective DER Integration is Critical – A well-considered approach to integrating DERs is necessary to mitigate risks and capture benefits for customers.

Finally, I note that no objections were received in relation to CanSIA's application for Cost Eligibility.

Request to Review and Vary Decision

CanSIA respectfully asks the Board to review and vary the Decision on Cost Eligibility issued July 17, 2019 in respect of EB-2018-0287 and EB-2018-0288.

Sincerely,



Wes Johnston
President and CEO
Canadian Solar Industries Association