



Ontario
Energy
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de l'énergie
de l'Ontario

BY E-MAIL

August 22, 2019

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Dear Ms. Phillips, Mr. Gardner, Mr. Johnston, and Ms. DeMarco:

Re: **EB-2018-0287 / EB-2018-0288 (“Utility Remuneration” and “Responding to Distributed Energy Resources”)**
Requests to Review and Vary Decision on Cost Eligibility

The Ontario Energy Board (OEB) acknowledges receipt of your letters on behalf of, respectively, Energy Storage Canada, the Ontario Sustainable Energy Association, the

Canadian Solar Industries Association and the Association of Power Producers of Ontario asking the OEB to review and vary the July 17, 2019 Decision on Cost Eligibility which determined that those organizations are not eligible for cost awards in connection with the integrated consultation on “Utility Remuneration” and “Responding to Distributed Energy Resources” (the Decision).

All four letters are framed as motions to review and vary the Decision pursuant to the OEB’s *Rules of Practice and Procedure*. However, because the Decision was made by an employee of the OEB under authority delegated to him pursuant to section 6 of the *Ontario Energy Board Act, 1998* (the Act), the Rules pertaining to motions to review and vary do not apply.¹ Instead, section 7 of the Act provides for an appeal of a decision made under delegated authority to a panel of the OEB.

The OEB therefore proposes to treat the motions as appeals under section 7.

The OEB also proposes to deal with all four matters together in a single proceeding, pursuant to subsection 21(5) of the Act. Although the panel assigned to the case may issue further procedural directions, at this time it is anticipated that the matter can be determined on the basis of the submissions set out in the four letters and the record that was before the employee who made the Decision, and that no further submissions will be required.

If you have any objections to the proposed approach you may advise the undersigned by August 26, 2019. If no objections are received by that date, the OEB will proceed on that basis.

Yours truly,

Original Signed By

Christine E. Long
Registrar

¹ Rule 1.01 specifies that the Rules in Part VII, which deal with motions to review and vary, do not apply to decisions under delegated authority.