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August 23, 2019

**VIA RESS AND COURIER**

**Ms. Christine E. Long**  
Board Registrar  
Ontario Energy Board  
P.O. Box 2319, 27<sup>th</sup> Floor  
2300 Yonge Street  
Toronto ON M4P 1E4

Dear Ms. Long:

**Re: Utility Remuneration and Responding to Distributed Energy Resources (DERs)  
Consultation Proceedings (the DER Proceedings)  
EB-2018-0287 and EB-2018-0288**

We are counsel to the Association of Power Producers (**APPrO**) in the DER Proceedings and are in receipt of your letter of yesterday afternoon, August 22, 2019 (the **Letter**). The Letter advises that the Board's consideration of four (4) different DER providing intervenors' (collectively, the **DER Intervenors**) challenges to the Board's delegated Decision on Cost Eligibility dated July 17, 2019 (the **Eligibility Decision**) will proceed by way of consolidated appeal pursuant to sections 7 and 21(5) of the *Ontario Energy Board Act, 1998*, as amended (the **Act**), unless the Board receives any objections from a DER Intervenor on or before August 26, 2019 (the **Proposed Process**), less than two (2) full business days after the receipt of the Letter.

The proposed time period provides less than two (2) full business days for each DER Intervenor to (i) consider, (ii) canvas their numerous customer members on, (iii) obtain legal advice on, and (iv) canvas with the other DER Intervenors on the Proposed Process, and specifically the potential rights, impediments, and inter-intervenor complexities associated with same. It also imposes additional financial burden on the DER Intervenors that has not been imposed on already approved intervenors (many of which are commercial entities and are not DER

providers) and thereby further limits the DER Intervenor's ability to participate meaningfully in the DER Proceedings in accordance with the procedural fairness that should be afforded to all.

APPrO therefore respectfully requests that the Board, directly or as delegated, provide at least one (1) week (until August 30, 2019) for the DER Intervenor to consider the Proposed Process and advise the Board accordingly. Should the Board proceed with an appeal procedure pursuant to sections 7 and 21(5) of the Act, APPrO also respectfully requests that the DER Intervenor be provided with: (i) all rights afforded under those sections; and (ii) intervenor funding for the purpose of pursuing the Board's Proposed Process in order to ensure that the DER Proceedings are not procedurally marred by proceeding in the absence of any DER Intervenor.

Yours truly,

A handwritten signature in black ink, appearing to be 'Lisa (Elisabeth) DeMarco', with a long, sweeping horizontal stroke extending to the right.

Lisa (Elisabeth) DeMarco

- c. David Butters and Jake Brooks, APPrO  
All Parties to EB-2018-0287 / EB-2018-0288