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August 30, 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 August 27, 2019 (the **Letter**) regarding the proposed section 7 and section 21(5) appeal process (the **Proposed Process**) for a number of distributed energy resource intervenors (collectively, the **DER Intervenors**).

APPrO does not object to the Board proceeding to resolve APPrO's cost eligibility challenge in accordance with the Proposed Process under sections 7 and 21(5) of the *Ontario Energy Board Act, 1998*, as amended (the **Act**). However in order to ensure the completeness of the record of, and facilitate procedural fairness in, the Proposed Process, APPrO also respectfully requests that the Board:

- (i) facilitate the completeness of the record by providing the DER Intervenors with Board Management Committee's written delegation instructions on this matter pursuant to section 6(1) of the Act, including all conditions and restrictions specified pursuant to section 6(3) of the Act;

- (ii) apply section 6(6) of the Act in order to allow the Board's delegate, Mr. Hewson, to review and vary his own order in order to provide APPrO with interim cost eligibility and allow it to meaningfully participate in the stakeholder meetings scheduled for September 17 – 18, 2019 and do so on a level playing field with other intervenors, including those with commercial members that have been determined to be cost eligible; and
- (iii) consider the significant and positive, substantive and coordinating, role that APPrO has played as a cost eligible intervenor in prior related Board policy proceedings including, but not limited to: the Revised Regulatory Framework for Electricity, the Board consultation on Rate Design for Commercial Industrial Customers (EB-2015-0043); the Board's consultation process regarding proposed amendments to the Distribution System Code associated with connection cost responsibility of renewable generation (EB-2009-0077); the Board's consultation process to examine its policies regarding cost responsibility for generation and load connections to transmission systems (EB-2008-0003), and the Natural Gas Electricity Interface Review.

Thank-you for your timely consideration of these matters.

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