

September 26, 2019

**VIA E-MAIL AND COURIER**

Ms. Kirsten Walli  
Board Secretary  
**ONTARIO ENERGY BOARD**  
P.O. Box 2319, 27<sup>th</sup> Floor  
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Dear Ms. Walli:

**Re: Association of Major Power Consumers in Ontario (AMPCO) Application for Review of an Amendment to the Independent Electricity System Operator (IESO) Market Rules.**

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**Notice of Appeal and Notice of Motion.**

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As legal counsel to AMPCO as applicant, we are filing with this letter;

1. A Notice of Appeal for an application for an order revoking and referring back to the IESO for further consideration Ontario Electricity Market Rule (Market Rule) amendments implementing a transitional capacity auction (TCA) (MR-00439-R00-R05) (Amendments). AMPCO's application is brought pursuant to section 33 of the *Electricity Act, 1998* and Rule 17 of the Board's *Rules of Practice and Procedure*.
2. A Notice of Motion for an order staying the operation of the (Amendments).

AMPCO's application relates to the Amendments published by the IESO on September 5, 2019 in order to facilitate expansion of the IESO's Demand Response Auction (DRA) into a new, broader, Transitional Capacity Auction (TCA). The IESO has proposed to broaden the current DRA capacity auction platform by opening it up to participation by electricity generators. The Demand Response (DR) resources which have been competitively bid into the DRA since 2015 include those owned and operated by AMPCO members. These historical DRA participants believe that the result of the Amendments in broadening the DRA through participation by electricity generators without first addressing an extant market inequity presented by compensation to generators for energy services provided to the IESO administered market (IAM) but not for DR resources providing equivalent energy services to the IAM, renders the Amendments unjustly discriminatory and inconsistent with various of the purposes of the *Electricity Act, 1998 (EL Act)*. In the result, and as directed by subsection 33(9) of the *EL Act*, it is AMPCO's position that the Board must revoke the Amendments and refer them back to the IESO for further consideration.

Further, as the IESO currently plans to implement Phase 1 of the TCA in December, 2019, through filing of the attached Notice of Motion AMPCO is requesting that the Board stay the operation of the

Amendments, as contemplated by subsections 33(7) and 33(8) of the *EL Act*, pending determination by the Board of AMPCO's application, and in order to prevent irreparable harm to Ontario's DR resource owners and the competitive IAM in general, and thus to Ontario's electricity consumers.

AMPCO's Notice of Motion references affidavit material to be filed in support of AMPCO's requests for relief. We are working on completion of that affidavit material and should be in a position to file that material with the Board shortly. In the interim, we await the Board's further direction on the processing of AMPCO's application and motion.

Thank you for your assistance.

Yours truly,



Ian A. Mondrow

IAM:cag

Encls.

cc: Michael Lyle, Vice President Legal Resources and Corporate Governance (IESO)  
Colin Anderson, President (AMPCO)

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