

Association of Major Power Consumers in Ontario

**Application to Review Amendments to the Market Rules
made by the Independent Electricity System Operator**

PROCEDURAL ORDER NO. 3

October 22, 2019

On September 26, 2019, the Association of Major Power Consumers in Ontario (AMPCO) filed a Notice of Appeal (Application) asking the Ontario Energy Board (OEB) to review and issue an order revoking amendments to the market rules made by the Independent Electricity System Operator (IESO) (MR-00439-R00 to -R05) (Amendments), and referring the Amendments back to the IESO for further consideration. The Application was filed under section 33 of the *Electricity Act, 1998*, S.O. 1998, c. 15, (Schedule B) (Act).

The Amendments enable the evolution of the IESO's Demand Response Auction into a Transitional Capacity Auction, including allowing participation by certain generators. The Amendments took effect on October 15, 2019. The IESO is planning to hold the first Transitional Capacity Auction in early December 2019, with key milestone dates scheduled in the interim period.

AMPCO also filed a Notice of Motion requesting an order of the OEB staying the operation of the Amendments pending the completion of the OEB's review (Motion).

On October 4, 2019, the OEB issued Procedural Order No. 1, which established October 11, 2019 as the date for AMPCO to file all affidavit material on which it intends to rely, whether in support of its Notice of Motion for a stay or in support of its Application.

On October 18, 2019, the OEB issued Procedural Order No. 2, which established procedures and timelines for dealing with the Application and Motion in parallel.

On October 21, 2019, the IESO filed a letter requesting a change to the timeline and procedure for the hearing of the Motion to stay the operation of the Amendments, in part to enable the IESO, other intervenors and OEB staff an opportunity to file evidence in response to the evidence filed by AMPCO in support of the motion. The IESO stated that its requested changes will not materially delay the hearing of the Motion nor affect in any way the procedure and timeline for hearing of the Application. Also on October 21, 2019, Kingston CoGen Limited Partnership filed a letter generally supporting the IESO's proposals, and indicating that it intends to file evidence and is prepared to do so in accordance with the schedule proposed by the IESO.

The OEB will largely grant the IESO's request and will accordingly modify the procedure and timeline for the hearing of the Motion, but has retained the opportunity for AMPCO to make reply submissions on the Motion as was contemplated in Procedural Order No. 2.

All procedures and timelines, including those set out in Procedural Order No. 2 and those varied by this Procedural Order, are set out below.

THE ONTARIO ENERGY BOARD ORDERS THAT:

Submissions on Costs

1. If IESO wishes to make a submission on whether it should bear the costs of this proceeding, it shall file a written submission with the OEB and serve it on all parties by **October 23, 2019**.
2. If the IESO wishes to make a submission objecting to the request of any party for cost eligibility, it shall file a written submission with the OEB and serve it on all parties by **October 23, 2019**.
3. If a party, whose request for cost eligibility is the subject of an objection by the IESO, wishes to reply to the IESO's objection, it shall file a written reply submission with the OEB and serve it on all parties by **October 29, 2019**.

Hearing of AMPCO's Motion to Stay the Operation of the Amendments

4. If an intervenor or OEB staff wishes to file evidence that is relevant to the hearing of the Motion, that evidence shall be filed with the OEB and served on all parties by **October 25, 2019**.

5. AMPCO shall file its submission on the Motion by **October 29, 2019**.
6. OEB staff or any intervenor, other than the IESO, who wishes to make a submission on the Motion shall file a written submission with the OEB and serve it on all parties by **November 1, 2019**.
7. The IESO shall file its submission on the Motion by **November 5, 2019**.
8. If AMPCO wishes to file a reply to the submissions on the Motion, it shall file a written reply submission with the OEB and serve it on all parties by **November 8, 2019**.

Hearing of the Application

9. Any party that wishes to request any relevant information and documentation from AMPCO in relation to the Application, that is in addition to its evidence already filed, or any relevant information and documentation from the IESO in relation to the IESO Licence Filing, shall file written interrogatories with the OEB and serve them on all parties by **October 28, 2019**.
10. AMPCO and the IESO shall file with the OEB complete written responses to all interrogatories and serve them on all parties by **November 6, 2019**.
11. If any intervenor or OEB staff wishes to file evidence that is relevant to the hearing of the Application, that evidence shall be filed with the OEB and served on all parties by **November 8, 2019**.
12. Any party that wishes to request any relevant information and documentation with respect to any evidence filed by any intervenor or OEB staff shall file written interrogatories with the OEB and serve them on all parties by **November 13, 2019**.
13. Intervenors and OEB staff shall file with the OEB complete written responses to any interrogatories received and serve them on all parties by **November 20, 2019**.
14. The oral hearing on the Application, including evidence as may be required and final argument, will commence on **November 25, 2019** starting at 9:30 a.m. in the OEB's Offices at 2300 Yonge Street, 25th floor, Toronto, Ontario. Additional hearing time will be provided for as necessary from November 26 to December 6.

All materials filed with the OEB must quote the file number, **EB-2019-0242**, be made in a searchable/unrestricted PDF format and sent electronically through the OEB's web portal at <https://pes.ontarioenergyboard.ca/eservice>. Two paper copies must also be filed at the OEB's address provided below. Filings must clearly state the sender's name, postal address and telephone number, fax number and email address. Parties must use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at <https://www.oeb.ca/industry>. If the web portal is not available parties may email their documents to the address below. Those who do not have internet access are required to submit all filings on a USB memory stick in PDF format, along with two paper copies. Those who do not have computer access are required to file seven paper copies.

All communications should be directed to the attention of the Board Secretary at the address below, and be received no later than 4:45 p.m. on the required date. With respect to distribution lists for all electronic correspondence and materials related to this proceeding, parties must include the Case Manager, Michael Bell at Michael.Bell@oeb.ca and OEB Counsel, Ljuba Djurdjevic at Ljuba.Djurdjevic@oeb.ca.

ADDRESS

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DATED at Toronto, **October 22, 2019**

ONTARIO ENERGY BOARD

Original signed by

Christine E. Long
Registrar and Board Secretary