

Resolute FP Canada Inc.

Application by Resolute FP Canada Inc. for an order amending the Demand Response Qualification Rules passed by the Independent Electricity System Operator on August 26, 2015

**PROCEDURAL ORDER NO. 1
October 22, 2019**

On August 7, 2019, Resolute FP Canada Inc. (Resolute) applied to the Ontario Energy Board (OEB), pursuant to section 35 of the Electricity Act, 1998, for an order directing the Independent Electricity System Operator (IESO) to amend sections 18.2.1 and 19.2.1 of Chapter 7 of the IESO's Market Rules. These Market Rules address the qualifications for participating in the IESO's Demand Response Auctions. Resolute has also asked the OEB for direction on the production of documents and eligibility to recover its costs in this application. On August 13, 2019, Resolute filed additional materials in support of its application.

The OEB issued a Notice of Hearing (Notice) on September 24, 2019.

Interventions and Cost Awards

In accordance with the Notice, interested parties had until October 11, 2019 to apply for intervenor status in the proceeding. The OEB received intervention requests from the following parties:

- Advanced Energy Management Alliance (AEMA)
- Association of Major Power Consumers in Ontario (AMPCO)
- Capital Power Corporation (Capital Power)
- IESO
- Rodan Energy Solutions Inc. (Rodan)
- TransAlta Corporation (TransAlta)

The OEB did not receive any objections in relation to the requests of intervenor status. The OEB is satisfied that the parties that applied for intervenor status have a "substantial interest" in this proceeding within the meaning of Rule 22.02 of the OEB's

Rules of Practice and Procedure. Therefore, AEMA, AMPCO, Capital Power, IESO, Rodan and TransAlta are approved as intervenors. The list of parties in this proceeding is attached as Schedule A to this Procedural Order.

AMPCO also applied for cost eligibility and noted that it will be mindful in its participation not to unduly duplicate the efforts of Resolute. Resolute has requested that it be eligible to recover its costs in this application. By letter dated September 6, 2019, the IESO objected to Resolute's request for costs. The OEB Panel hearing this application will make a determination at a future date on the cost eligibility requests of Resolute and AMPCO and the issue of which party will be required to pay the costs in this application. Any party objecting to the request for cost eligibility by AMPCO or Resolute should file their objections with the OEB by **October 25, 2019**.

Issues List

On September 6, 2019, the IESO filed a letter stating that Resolute's application raises issues that are outside the OEB's jurisdiction when considering an application for review under section 35 of the *Electricity Act* and asked the OEB to strike certain sections of Resolute's evidence. The IESO also proposed issues that the OEB should consider when reviewing Resolute's application. By letter dated September 20, 2019, Resolute objected to the request to strike sections of its application and supported the establishment of an Issues List, further stating that the issues raised in its application are within the scope of the OEB's review. Since the parties have raised issues related to the scope of the proceeding and the OEB's jurisdiction in hearing this application, the OEB is establishing a process for the development of an Issues List early in the proceeding.

Type of Hearing

The OEB's Notice requested parties to advise if an oral hearing is appropriate in this application. By letter dated October 15, 2019, Resolute advised that a written hearing may be sufficient, but reserved the right to request an oral hearing later in the process. The OEB will make its determination on the type of hearing later in the process.

It is necessary to make provision for the following matters related to this proceeding. The OEB will issue further procedural orders from time to time.

IT IS THEREFORE ORDERED THAT:**Submissions on Costs**

1. Any party objecting to the requests for cost eligibility by AMPCO or Resolute, shall file their written objections with the OEB and serve all parties, by **October 25, 2019**.

Draft Issues List

2. Resolute shall file a Draft Issues List with the OEB and serve it on all parties by **October 28, 2019**.
3. Any party that wishes to file a submission on the Draft Issues List shall file their submission with the OEB and serve it on all other parties by **November 4, 2019**.
4. An Issues Day will be convened on **November 8, 2019**, starting at 9:30 a.m. at the OEB's Offices, at 2300 Yonge Street, Toronto.

All materials filed with the OEB must quote the file number, **EB-2019-0206**, 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

Ontario Energy Board
P.O. Box 2319
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Attention: Board Secretary

Email: boardsec@oeb.ca
Tel: 1-888-632-6273 (Toll free)
Fax: 416-440-7656

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

ONTARIO ENERGY BOARD

By delegation, before: Christine E. Long

Original signed by

Christine E. Long
Registrar and Board Secretary

SCHEDULE A
TO PROCEDURAL ORDER NO. 1
RESOLUTE FP CANADA INC.
EB-2019-0206
APPLICANT AND INTERVENORS LIST
DATED: OCTOBER 22, 2019

Resolute FP Canada Inc.
EB-2019-0206
Amending Demand Response Qualification Rules
APPLICANT & LIST OF INTERVENORS

October 22, 2019

APPLICANT

Rep. and Address for Service

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INTERVENORS

Rep. and Address for Service

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**Association of Major Power
Consumers in Ontario**

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