

October 22, 2019

VIA RESS AND COURIER

Ms. Kirsten Walli
Board Secretary
ONTARIO ENERGY BOARD
P.O. Box 2319, 27th Floor
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Dear Ms. Walli:

**Re: EB-2019-0242 - Association of Major Power Consumers in Ontario (AMPCO)
Application for Review of an Amendment to the Independent Electricity System
Operator (IESO) Market Rules.**

Motion for Stay Procedures.

Addition of AMPCO Recipients for Materials Filed.

As legal counsel to AMPCO as applicant, we write in response to letters filed on behalf of the IESO and Kingston CoGen each dated October 21st and each requesting changes to the schedule directed by Procedural Order No. 2 (P.O. No. 2) for the hearing of AMPCO's motion for Stay. We also write to request the addition for AMPCO of recipients for materials filed herein.

Motion for Stay Procedures

The IESO proposes adjustment of the motion schedule as follows:

1. Parties who wish to file evidence responding to the motion to file and serve such evidence by October 25th. (In P.O. No. 2 October 25th is the deadline for parties to file written submissions on the motion.)
2. AMPCO to file an argument in chief on the motion by October 29th.
3. Other parties to file argument, by November 1st.
4. The IESO to file responding argument by November 5th.

The IESO has not addressed AMPCO's right of reply as set out in P.O. No. 2 (currently to be filed by October 30th).

Kingston CoGen has stated; “we generally agree with the timelines and procedures proposed by the IESO”, and in particular indicates its wish to file evidence in response to AMPCO’s motion (which it indicates it can do by October 25th) and its position that “it would be appropriate for AMPCO to file its written submissions first and then for the intervenors and then the IESO to respond”. Kingston CoGen is silent in respect of AMPCO’s right of reply.

AMPCO takes no objection to the request of the IESO and Kingston CoGen to file evidence in response to the motion, nor to the request that AMPCO thereafter file submissions on the motion first (which will allow AMPCO to address, in such submissions, the evidence to be filed by the IESO, Kingston CoGen and any other parties).

In such event, it would be appropriate for parties to then file responding submissions, as the IESO and Kingston CoGen have suggested. We do not see why the IESO should not file its responding submissions (responding to AMPCO) at the same time as other parties file their submissions (responding to AMPCO).

As is currently the case, AMPCO would then have a right of reply. Using the IESO’s proposed dates, which we understand Kingston CoGen to endorse, parties’ responding submissions would be filed by November 5th, and AMPCO could then file its reply submissions by Monday, November 11th.

The foregoing is offered subject to review of the evidence to be filed by other parties, and evaluation of any need for cross-examination or another form of discovery on, or testing of, that evidence. We appreciate the Board’s attempt to expedite the motion, and agree that is appropriate, and would not seek to exercise any such right to cross-examination or another form of further discovery lightly. However, should AMPCO’s position be improperly prejudiced by the evidence to be filed absent the exercise of such right we would make prompt submissions in that respect and suggest possible remedies.

Addition of AMPCO Recipients for Materials Filed

Attached to P.O. No. 2 is a *List of Applicant and Intervenors*, with the writer listed as the sole contact for AMPCO. In order to assist us with proper and prompt attention to this matter as it unfolds, we would ask that the Board and the parties copy any further correspondence or materials circulated to the following contacts, in addition to the writer;

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Yours truly,



Ian A. Mondrow

cc: Glenn Zacher, Counsel for IESO
James Hunter, IESO
Colin Anderson, President, AMPCO
Michael Bell (OEB Staff)
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Intervenors of Record

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