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Ottawa

Ms Christine E. Long
Registrar & Board Secretary
Ontario Energy Board
P.O. Box 2319
2300 Yonge Street, 27th Floor
Toronto, ON M4P 1E4

Vancouver

New York

Dear Ms Long:

AMPCO – Market Rule Amendment Review
Board File No.: EB-2019-0242

We are counsel to the Association of Power Producers of Ontario (“APPPrO”). Please find enclosed APPPrO’s interrogatories to Kingston CoGen Limited Partnership pursuant to Procedural Order No. 2 in the above-noted proceeding.

Yours very truly,



Evan J. Barz
EB:sv

Enclosure

c: Ian Mondrow/Laura Van Soelen (Counsel to AMPCO)
Glenn Zacher/Patrick Duffy (Counsel to IESO)
James Hunter (IESO)
Michael Bell (OEB Staff)
Ljuba Djurdjevic (OEB Staff)
David Butters (APPPrO)
Richard King (Osler)
Intervenors of Record

ONTARIO ENERGY BOARD

IN THE MATTER OF the *Electricity Act, 1998*,
S.O. 1998, c. 15, Sched. A, as amended;

AND IN THE MATTER OF an application by the Association of Major Power Consumers in Ontario, pursuant to section 33 of the *Electricity Act, 1998*, S.O. 1998, c. 15, Sched. A and Rule 17 of the Ontario Energy Board Rules of Practice and Procedure requesting that the Ontario Energy Board review a set of Market Rule amendments made by the Independent Electricity System Operator (MR-00439-R00 to R05: Transitional Capacity Auction).

AND IN THE MATTER OF a notice of motion by the Association of Major Power Consumers in Ontario, pursuant to section 33 of the *Electricity Act, 1998*, S.O. 1998, c. 15, Sched. A and Rule 17 of the Ontario Energy Board Rules of Practice and Procedure to stay the operation of amendments to the Independent Electricity System Operator market rules pending determination of the Application.

EB-2019-0242

**ASSOCIATION OF POWER PRODUCERS OF ONTARIO
INTERROGATORIES TO
KINGSTON COGEN LIMITED PARTNERSHIP (“KCLP”)**

NOVEMBER 13, 2019

AFFIDAVIT OF JOHN WINDSOR

Affidavit-KCLP-1

References: Affidavit of John Windsor

KCLP Submissions on Motion for Stay at paras. 43 and 46

Preamble: In paragraph 43, subparagraph (b) of its Submissions on Motion for Stay, KCLP states:

“...Since implementation in 2016, the highest Hourly Ontario Energy Price (“HOEP”) occurred on March 11th, 2017 and was \$1,822.95/MWh. Since 2016, the HOEP exceeded \$1,000/MWh in only 4 hours or roughly 0.01% of the hours, which further illustrates the unlikely risk of activation of DR resources that submit energy bids greater than \$1,000/MWh.”

Later, in paragraph 46, KCLP states: *“...Since 2016, the highest HOEP has never exceeded \$100/MWh.”*

Question:

- a) Please explain any assumptions and relationships underlying KCLP’s data and calculations, and to the extent that there is a discrepancy, please clarify.

Affidavit-KCLP-2

References: Affidavit of John Windsor at paras. 22-23

AMPCO Reply to Submissions on Motion for Stay, paras. 56(j), 58(g), and 74(b)

Preamble: At paragraphs 22-23 of its Affidavit, KCLP states (emphasis added):

“If the stay is granted, and the auction is delayed from its planned December 2019 auction date, then KCLP would lose out on the opportunity to compete for capacity for both the summer and winter periods. This would result in a lost opportunity cost for KCLP, which could cost KCLP millions of dollars and potentially force KCLP to shut down.

...

The impact would be similar to if the OEB grants the stay, as discussed above. Ultimately, if KCLP is unable to compete in a TCA, and otherwise secure an adequate revenue stream, this will place more pressure to shut down the facility permanently, as it continues to lose millions of dollars annually in the absence of a contract.”

At paragraph 56(j) of its Reply Submission on Motion for Stay, AMPCO, referring to KCLP, states:

“4 off-contract generators have registered to participate in the December 4th TCA. One of these has evidenced an expectation for ‘millions of dollars’ of benefit from that auction.”

And at paragraph 58(g), AMPCO states:

“The public interest and the interests of consumers are served by preserving, and not undermining, competition in the IAM. There are undisputed facts that...one of these generators anticipates the potential for ‘millions of dollars’ of benefits from successful participation in the December 4th TCA, obviously at the expense of its competitors in the auction.”

At paragraph 74(b), AMPCO reiterates:

“Facts indicating the possibility of irreparable harm are...the indication from the one of these generators who has offered evidence is that they stand to gain ‘millions of dollars’ in benefits in this auction, which by definition would be at the expense of their competitors”

Question:

- a) Please confirm whether KCLP stands to gain “millions of dollars” should it successfully clear the December 4, 2019 TCA.