



May 14, 2021

**VIA RESS**

Ontario Energy Board  
P.O. Box 2319  
2300 Yonge Street, 27<sup>th</sup> Floor  
Toronto, ON M4P 1E4  
Attention: Registrar

Dear Ms. Long:

**Re: Framework for Energy Innovation: Distributed Resources and Utility Incentives  
Board File Nos.: EB-2021-0118**

We are counsel to the Electric Vehicle Society (**EVS**) in the above-noted consultation (the **Consultation**) and write further to the Board's letter dated May 10, 2021 establishing the membership of the Framework for Energy Innovation Working Group (**FEI WG**).

EVS requests that the Board reconsider the composition of the FEI WG and appoint a representative of EVS in order to ensure continuity of innovation and distributed energy resource (**DER**) policy before the Board and adequate representation of end-use DER and electric vehicle (**EV**) consumers in the Consultation.

EVS has taken a leadership role in presenting evidence and information on DERs and energy innovation over the last several years. In fact, EVS was included in the Board's prior DER consultations (EB-2018-0287 / EB-2018-0288) as the only intervenor group that represents the interests of small end-use DER and EV consumers. In the absence of EVS, there is no other participant that directly or otherwise represents the currently available grid efficiencies and realities of electricity prosumers that may reduce overall system costs and enhance system reliability. EVS is furthermore the only group that has led evidence and provided submissions on DERs, on its own and through the Distributed Resource Coalition (**DRC**), in the following Board proceedings over the last many years:

- EB-2018-0287 / EB-2018-0288 Utility Remuneration and Responding to DERs
- EB-2018-0165 Toronto Hydro Electric System Limited Distribution Rates
- EB-2019-0018 Alectra Utilities Distribution Rates
- EB-2019-0261 Hydro Ottawa Limited Distribution Rates
- EB-2020-0048 Oshawa Power & Utilities Corp. Distribution Rates
- EB-2020-0040 Niagara Peninsula Energy Inc. Distribution Rates
- EB-2020-0026 Halton Hills Hydro Inc. Distribution Rates
- EB-2020-0007 Burlington Hydro Inc. Distribution Rates

Moreover, the Board has expressly directed EVS consumers through DRC in past proceedings to raise key DER and EV issues in the context of this Consultation. It is now being denied the right to do so. For example, in its Decision and Order on Toronto Hydro's last rate application, the Board found that:

"many of the issues raised by DRC regarding EV-related DERs are also appropriately considered in the Responding to DERs consultation. Therefore, the OEB will not direct specific information gathering and reporting functions as proposed by DRC, or modify the Custom IR framework specifically for DERs."<sup>1</sup>

EVS was therefore surprised and disappointed to be excluded from participating in the next phase of the Consultation.

In its March 23, 2021 letter, the Board noted its intent that the FEI WG will represent the full range of interests related to the integration of DERs in Ontario and that selections for the FEI WG will be made with a view to achieving a broad and representative membership. It is therefore anathema to the Board's intent to exclude end-use DER and EV consumers from the FEI WG. Excluding EVS appears to be at odds with the continuity of the Board's record on DERs, energy innovation, and prosumers and with the spirit and intent of the Consultation and the Board's broader approach to stakeholder consultation.

We therefore respectfully request that the Board reconsider its decision in light of the considerable time and resources that EVS has invested in the development of the Board's knowledge and understanding of DERs and prosumer energy innovation, and expressly afford EVS and its directly-impacted members the right to be heard and participate fully in the FEI WG and the Consultation. EVS requests that the Board appoint Jonathan McGillivray to serve as its representative on the FEI WG.

Sincerely,



Lisa (Elisabeth) DeMarco

- c. Susanna Zagar, Chief Executive Officer, OEB  
Carolyn Calwell, Chief of Corporate Services & General Counsel, OEB  
Wilf Steimle, EVS

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<sup>1</sup> EB-2018-0165, Decision and Order at p. 122, available online at:  
<https://www.rds.oeb.ca/CMWebDrawer/Record/663131/File/document>.