

DECISION ON COST ELIGIBILITY

EB-2022-0079

Non-RPP Class B Pilot Program

By Delegation Before: Brian Hewson

July 25, 2022

INTRODUCTION AND SUMMARY

On July 13, 2022, the Ontario Energy Board (OEB) issued a [letter](#) inviting interested parties to a stakeholder meeting to discuss the development of a dynamic pricing pilot program for Class B consumers that are not eligible for the Regulated Price Plan (Non-RPP Class B Pilot Program). The letter also indicated that cost awards would be available to eligible persons under section 30 of the *Ontario Energy Board Act, 1998* (OEB Act), and made provision for stakeholders to apply for cost award eligibility.

The OEB received requests for cost award eligibility from the Canadian Manufacturers & Exporters, the Coalition of Concerned Manufacturers and Business of Canada, Energy Storage Canada, the Ontario Association of Physical Plant Administrators, the Ontario Chamber of Commerce, the Quinte Manufacturers Association, and the School Energy Coalition.

Licensed electricity distributors, from who cost awards will be recovered, were given an opportunity to file any objections they might have in relation to the cost eligibility of the above-noted participants. No objections were received.

This Decision and Order is being issued by the Delegated Authority without holding a hearing pursuant to section 6(4) of the OEB Act.

OEB FINDINGS

Having considered the cost eligibility criteria set out in section 3 of the OEB's *Practice Direction on Cost Awards* (Practice Direction), the OEB finds that Canadian Manufacturers & Exporters, Coalition of Concerned Manufacturers and Business of Canada, the Ontario Association of Physical Plant Administrators, the Ontario Chamber of Commerce, the Quinte Manufacturers Association and the School Energy Coalition are eligible to apply for an award of costs as they represent the interests of consumers (ratepayers), including representing the interests of small and medium-sized businesses that are non-RPP Class B consumers.

The OEB, however, finds that Energy Storage Canada is not eligible for an award of costs under the Practice Direction. According to its letter requesting cost award eligibility, Energy Storage Canada represents Canada's energy storage industry, and its membership includes "technology and component providers, project developers, energy storage service providers, power generators, electric utilities, engineering, and construction firms, as well as professional services companies and NGOs from Canada's energy sector more broadly". Energy Storage Canada's letter further states that it is eligible for an award of costs under section 3.03(b) of the Practice Direction as it primarily represents an interest or policy perspective relevant to the OEB's mandate

and to this consultation. The OEB recognizes that Energy Storage Canada has been granted cost eligibility in an earlier consultation,¹ but more recently has been found ineligible in relation to two others.² Under the Practice Direction, in considering cost eligibility of an association or other form of organization, the OEB may have regard to whether the individual members would themselves be eligible or ineligible. Further, in relation to commercial entities, the OEB may have regard to whether an entity primarily represents its own commercial interest (other than as a ratepayer), even if the entity may be in the business of providing services that can be said to serve an interest or policy perspective relevant to the OEB's mandate and to the consultation for which cost eligibility is sought. Energy Storage Canada's members are commercial entities, and Energy Storage Canada has not articulated how or in what respect it will represent an interest or policy perspective that is relevant to the development of the Non-RPP Class B Pilot Program. The OEB is therefore not persuaded that the participation of Energy Storage Canada in this consultation would not be driven by representing the commercial interests of its members. The OEB welcomes participation from all stakeholders, even those representing commercial interests other than as ratepayers. But such stakeholders are not eligible for costs.

The OEB further notes that cost eligible participants with similar viewpoints should coordinate their activities to reduce costs. Whether cost eligible participants made such efforts will be considered by the OEB in making its decision on cost awards.

Cost eligible participants are referred to the OEB's July 13, 2022 letter for further detail regarding activities that are eligible for cost awards and the maximum number of hours allowed per participant for those activities.

DATED at Toronto July 25, 2022

ONTARIO ENERGY BOARD

Brian Hewson
Vice President, Consumer Protection & Industry Performance

¹ EB-2015-0043, Decision of Cost Eligibility, March 20, 2019.

² EB-2019-0207, Decision of Cost Eligibility, September 10, 2019. See also EB-2018-0287 & EB-2018-0288, Decision of Cost Eligibility Utility Remuneration and Responding to Distributed Energy Resources, July 17, 2019 ()