

March 25, 2024

Ms. Nancy Marconi
Registrar
Ontario Energy Board
27th Floor 2300 Yonge Street
Toronto, ON M4P 1E4

Dear Ms. Marconi,

**Re: Request to Amend the Independent Electricity System Operator's Licence
EI-2013-0066**

The IESO is applying to the Ontario Energy Board (the "OEB") pursuant to section 74(1)(b) of the *Ontario Energy Board Act, 1998* (the "Act") to amend the IESO's licence to streamline the documents that the IESO is required to file in response to an application to review a market rule amendment ("MRA").

The IESO requests that the OEB amend the IESO's licence to: (i) include a new definition, "Market Rule Amendment Proposal"; (ii) streamline the filing requirements in sub-sections 6.3 i., ii., iii., and v. by removing the need to file preliminary or outdated designs and related documents; (iii) update the name of the "Stakeholder Advisory Committee" to the "Strategic Advisory Committee" in sub-section 6.3 iii.; and (iv) delete sub-section 6.3 iv.

The IESO further requests that this application proceed by way of a written hearing.

The requested licence amendments would scope the documents that need to be filed with the OEB in a MRA review application to only those that pertain to the final MRA that is the subject of the review and remove the requirement to file preliminary designs and related documents that are not part of the final MRA. These amendments would provide the OEB with the context of the MRA while substantially lowering the total volume of documents filed at the outset of the application, streamlining the overall process and bringing focus to assist the OEB in carrying out its statutory responsibilities. If the OEB ultimately determines that certain preliminary documents would be helpful to its review, the proposed licence amendments do not preclude the OEB from requiring the IESO to file them.

Licence Requirements

Sub-sections i. - v. of section 6.3 of the IESO's licence require the IESO to provide the following documents within seven days of the date of the filing of an application to review an MRA:

- i. all Market Rule Amendment Submissions relating to the amendment, including any covering memoranda;

- ii. all written submissions received by the Licensee in relation to the amendment;
- iii. minutes or meeting notes of all stakeholder meetings (including meetings of the Licensee's Stakeholder Advisory Committee) and of all meetings of the Licensee's Technical Panel at which the amendment or the subject matter of the amendment was discussed; and
- iv. a list of all materials related to the amendment, or the subject matter of the amendment tabled before any stakeholders (including the Licensee's Stakeholder Advisory Committee) or before the Licensee's Technical Panel;
- v. a list of all materials tabled before the Board of Directors of the Licensee in relation to the amendment or the subject matter of the amendment, and a copy of all such materials other than those already captured by item (i) above;

As currently worded, the licence conditions would require the IESO to file preliminary design documentation and stakeholder engagement documents that would not necessarily reflect the final MRA before the OEB, which would reduce the efficiency of the OEB's review process. In the context of initiatives that involve a large set of MRAs that have evolved and been stakeholdered over time, such as the IESO's Market Renewal Program, a failure to properly scope the filed documents could inundate the proceeding with documents that are unhelpful to the OEB's review, while not contributing to its understanding of the MRA before it. In any case, the amendments will create enduring efficiency in the OEB's review of an MRA regardless of the duration leading up to the MRA or the scale of it.

Requested Licence Amendments

The IESO requests that the following definition be added to its licence:

"Market Rule Amendment Proposal" means a set of Market Rule amendments that were the subject of a formal stakeholder engagement, reviewed by the Licensee's Technical Panel and approved by a vote of the Licensee's Board of Directors.

The IESO further requests that the OEB order that sub-sections i., ii., iii., iv. and v. of section 6.3 of the IESO's licence be amended as follows (additions in red; deletions in strikethrough):

- i. ~~a copy of the Market Rule amendment that is the subject of the application~~ **a copy of the Market Rule Amendment Submissions** ~~relating to the amendment~~, including any covering memoranda;
- ii. all written submissions received by the Licensee ~~in relation to the amendment~~ **with respect to the Market Rule Amendment Proposal**;
- iii. minutes, ~~or meeting notes, of~~ **and relevant materials from** all stakeholder meetings (including meetings of the Licensee's **Strategic** Stakeholder Advisory Committee) and of all meetings of the Licensee's Technical Panel ~~at which the amendment or the subject matter of the amendment was discussed~~ **concerning the Market Rule Amendment Proposal**;

~~iv. a list of all materials related to the amendment or the subject matter of the amendment tabled before any stakeholders (including the Licensee's Stakeholder Advisory Committee) or before the Licensee's Technical Panel;~~

v. a list of all materials tabled before the Board of Directors of the Licensee **in conjunction with the Market Rule Amendment Proposal** ~~in relation to the amendment or the subject matter of the amendment~~ and a copy of all such materials other than those already captured by item (i) above;

The IESO further requests numbering changes to sub-sections vi.- ix. to accommodate the removal of sub-section iv. but requests no other amendments to these sub-sections. Clean and redlined versions of the IESO's licence with the IESO's requested amendments are attached to this letter.

Rationale

The requested amendments will have two effects: first, they will remove the requirement that the IESO file large volumes of materials related to preliminary designs that are not necessary to the OEB's understanding of the final MRA before it; second, they will focus the filed documents on the stakeholder engagement and feedback materials packages that were provided to the Technical Panel and the IESO's Board of Directors to support their consideration of the final MRA package.

Section 74(1)(b) of the Act permits the OEB to amend a licence if it considers the amendment to be in the public interest, having regard to the objectives of the OEB and the purposes of the *Electricity Act, 1998*. The IESO submits that the requested amendments meet this requirement because they will facilitate a more efficient review process and reduce costs for ratepayers by removing unnecessary work filing, and reviewing, excess documentation. Further, if the OEB ultimately determines that certain preliminary documents would be helpful to its review, the proposed licence amendments do not preclude the OEB from requiring the IESO to file them.

Request for Written Hearing

The IESO requests that this application proceed by way of a written hearing so that interested parties are invited to review the proposed amendments.

Please contact me directly at 416-710-0620 or at Beverly.Nollert@ieso.ca if you have any questions.

Yours truly,



Beverly Nollert
Senior Manager, Regulatory Affairs

Attachment:

1. A redlined copy of the IESO's licence with the IESO's requested amendments.