

**From:** [Batul Rahimtoola](#)  
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**Subject:** FW: Intervention Form: EB-2024-0331 - FirstLight  
**Date:** Wednesday, November 20, 2024 4:37:30 PM

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# Intervention Form

## Case Number:

EB-2024-0331

## Intervenor Name:

FirstLight

## Mandate and Objectives:

FirstLight is a power producer, developer, and energy storage company serving North America. FirstLight's business includes the ownership and operation of 37 facilities representing over 1.6 GW of operating renewable energy, predominantly hydroelectric, in Ontario, Québec, the U.S. Northeast and Mid-Atlantic, and also includes significant energy storage projects.

Doing business as H2O Power Limited Partnership ("H2O Power"), FirstLight owns and operates eight transmission-connected facilities in Ontario representing 150 MW.

Doing business as Hydromega, FirstLight owns and operates five distribution-connected facilities in Ontario representing 50 MW.

## Membership of the Intervenor and Constituency Represented:

H2O Power is a registered market participant with the IESO for the eight transmission-connected facilities in Ontario.

Hydromega is an embedded generator customer with Hydro One for the five distribution-connected facilities in Ontario.

## Programs or Activities Carried Out by the Intervenor:

FirstLight's transmission-connected generation facilities supply electricity to the IESO-administered grid pursuant to energy supply contracts entered into with the Ontario Power Authority (now IESO) under the Hydroelectric Contract Initiative ("HCI").

FirstLight's distribution-connected generation facilities supply electricity to the IESO-administered grid (through the LDC/Hydro One) pursuant to energy supply contracts entered into with the Ontario Power Authority (now IESO) under the Feed-in-Tariff ("FIT") program. The FIT contracts are settled under the OEB's Retail Settlement Code.

## **Governance Structure:**

FirstLight's Canadian operations are managed by an executive team including Vice President & General Manager, Canadian Operations, Marc Mantha, P. Eng, and Vice President of Regulatory and Stakeholder Relations, Stephen Somerville.

External legal counsel (Blake, Cassels & Graydon LLP) will report directly to and receive instructions from Messrs. Mantha and Somerville.

## **Representatives:**

Reena Goyal  
[reena.goyal@blakes.com](mailto:reena.goyal@blakes.com)  
416-863-5807

## **Other Contacts:**

## **Frequent Intervenor Form:**

## **OEB Proceedings:**

N/A

## **Issues:**

As is the case for the applicants in this proceeding (NQS Generators), FirstLight's HCI contracts are also deemed dispatch agreements. Due to the deadline prescribed under

subsection 33(4) of the Electricity Act for challenging the MRP Amendments, like the NQS Generators, FirstLight is required to participate in this proceeding now rather than await for unjustly discriminatory economic impacts arising from changes to dispatch and settlement caused by the MRP Amendments to occur after the Market Renewal Program go-live date in May 2025.

The MRP Amendments also have direct impact on the settlement of its distribution-connected generation facilities under the OEB's Retail Settlement Code, resulting in an anticipated material reduction in actual net IESO-administered market revenues under the FIT contracts after the Market Renewal Program go-live date in May 2025. FirstLight has communicated its concerns with the MRP Amendments to the IESO, but have been unable to reach a resolution to date.

## **Policy Interests:**

The IESO has largely focused its MRP stakeholder engagement on transmission-connected market participation. However, the MRP will also have significant downstream economic impacts on embedded (distribution-connected) participants. FirstLight's participation in this proceeding will give representation to some of those embedded participants.

## **Hearings:**

No comment.

## **Evidence:**

FirstLight intends to limit its participation in the proceeding to the issues raised by the NQS Generators only to the extent they apply to HCI contracts or to distribution-connected generators with FIT 1 contracts, and only to the extent not already addressed by the applicants, OEB staff or other interveners.

FirstLight also intends to file evidence only as it pertains to the impacts of the MRP Amendments to distribution-connection generators with FIT 1 contracts. Specifically, FirstLight will be seeking information disclosure from the IESO (either through preliminary information disclosure or otherwise through written interrogatories) pertaining to the impacts to negative pricing events as a result of the MRP Amendments (including the replacement of HOEP with the replacement price as reflected in amendments to the OEB's Retail Settlement Code).

Following production of such information, FirstLight proposes to file evidence in the form of an expert or technical consultant report (less than 8 pages) with supporting affidavit, as and when permitted by the OEB.

As an electricity generator, FirstLight is prima facie ineligible for costs under subsection 3.05(b) of the OEB's Practice Direction on Cost Awards.

## **Coordination with Other Intervenors:**

FirstLight intends to limit its participation to the extent to which they apply to HCI contracts or embedded (distribution-connected) generators with FIT 1 contracts, and as not already covered by the NQS Generators, OEB staff or other interveners.

FirstLight would be pleased to coordinate its efforts with any other interveners representing embedded (distribution-connected) participants.

## **Cost Awards:**

As an electricity generator, FirstLight understands it is ineligible for costs under subsection 3.05(b) of the OEB's Practice Direction on Cost Awards.

## **Language Preference:**

N/A