



**Capital Power Corporation, Thorold CoGen L.P.,
Portlands Energy Centre L.P. doing business as Atura
Power, St. Clair Power L.P., TransAlta (SC) L.P.**

**Application to Review Amendments to the Market Rules
made by the Independent Electricity System Operator**

**DECISION AND PROCEDURAL ORDER NO. 2
December 2, 2024**

On November 7, 2024, Capital Power Corporation, Thorold CoGen L.P., Portlands Energy Centre L.P. doing business as Atura Power, St. Clair Power L.P., and TransAlta (SC) L.P., a group of non-quick start gas-fired generators (NQS Generation Group, jointly filed an application under section 33 of the *Electricity Act, 1998*, S.O. 1998, c. 15, (Schedule B). The application requests that the Ontario Energy Board (OEB) review a set of amendments to the market rules made by the Independent Electricity System Operator (IESO) (MR-00481-R00 to -R013) (Amendments), revoke the Amendments and refer them back to the IESO for further consideration. The Amendments deal with a comprehensive set of changes to the IESO-administered markets required to operationalize the IESO Market Renewal Program (MRP) to evolve Ontario's electricity market.

The OEB is required by section 33(6) of the *Electricity Act* to issue an order that embodies its final decision within 120 days of receipt of the application. In this proceeding, the statutory deadline is March 6, 2025.

A Notice of Hearing was issued on November 13, 2024, which provided that interested parties had until November 20, 2024, to request intervenor status and cost award eligibility.

The IESO filed certain materials with the OEB on November 15, 2024, as required by a condition of its licence¹ in respect of an application to review a market rule amendment filed under section 33 of the *Electricity Act* (IESO Licence Filing).

¹ IESO Licence EI-2013-0066, as amended July 23, 2024 by EB-2024-0128, section 6.3 in [Exhibit KPC 11: OEB Staff Compendium](#), November 25, 2024 (OEB Staff Compendium).

On November 19, 2024, the OEB issued Procedural Order No.1 which established a date for a transcribed virtual pre-hearing conference that all parties were required to attend and provided for matters to be addressed at the pre-hearing conference.

On November 26, 2024, the OEB convened the transcribed virtual pre-hearing conference and heard submissions from parties on the issues list, the scope of the proceeding, intervention requests, costs, disclosure requests, proposed evidence and the procedural schedule.

The OEB considered the parties' written submissions filed before the pre-hearing conference as well as the oral submissions at the pre-hearing conference. This Decision and Procedural Order No.2 sets out the OEB's determinations resulting from the pre-hearing conference and provides for next steps in this proceeding.

The OEB's findings address the following matters:

- Issues list
- Scope of proceeding
- Intervention requests and cost eligibility
- Cost responsibility
- Disclosure requests
- Proposed evidence
- Procedural schedule

Issues List

There was agreement among the parties that the issues to be determined have their basis in section 33(9) of the *Electricity Act* and that the OEB is to determine whether the Amendments:

- (i) are inconsistent with the purposes of the Act; or
- (ii) unjustly discriminate against or in favour of a market participant or class of market participants.

Scope of Proceeding

The parties diverged in their positions on the proper scope of the proceeding with respect to the extent of the OEB's jurisdiction to review the Amendments. The differences in positions among the parties overlapped with their respective positions on the scope of evidence to be adduced in this proceeding, which are addressed further in this Decision.

NQS Generation Group submitted that the OEB has broad and plenary jurisdiction in conducting its review of the Amendments and that anything underlying the IESO's decision to implement the Amendments is reviewable by the OEB. NQS Generation Group submitted that the OEB should not assess the Amendments in a hypothetical vacuum and must review all information from the IESO that is relevant to the application to discharge its review function.²

APPrO supported the position of NQS Generation Group on the issue of the scope of the proceeding.

The IESO argued that section 33(9) of the *Electricity Act* has the effect of limiting the OEB's jurisdiction and relied on the OEB's statements in a previous decision on a market rule amendment case (Ramp Rate case).³ The IESO submitted that section 33 limits the OEB's jurisdiction in conducting its review and restricts the OEB's jurisdiction to engage in a broader review of the IESO's rulemaking process.⁴

The IESO also submitted that the OEB's review under section 33(9) does not extend to reviewing out-of-market contract processes. The IESO argued that the proper question is about how the Amendments, and not the out-of-market contracts, interact with the purposes of the *Electricity Act* and how the Amendments may impact a market participant or class of market participants, not how they may impact the commercial interests of a contract counterparty.⁵

OEB staff submitted that the OEB's jurisdiction is not limited as strictly as suggested by the IESO and that the Ramp Rate decision finding on the OEB's limited jurisdiction in a section 33 application was on a relatively narrow question about procedural fairness in the IESO rule-making process and should not be applied more broadly to limit the OEB's jurisdiction.⁶

OEB staff submitted that the OEB cannot review the Amendments in a vacuum and referred to a previous decision where the OEB stated that it must consider the broader market context to determine whether the impact of the Amendments results in unjust economic discrimination or inconsistency with the purposes of the *Electricity Act*.⁷ OEB staff also referred to a previous case in which the OEB ordered the IESO to produce

² [NQS Letter, November 14, 2024](#), p. 2.

³ EB-2007-0040, Decision and Order, April 10, 2007 and as corrected on April 12, 2007 (Ramp Rate case), pp. 10 and Appendix A, 87-88, 90-91 in [Exhibit KPC 10: IESO Document Brief](#), November 22, 2024 (IESO Document Brief).

⁴ Ibid.

⁵ [Exhibit KPC9: IESO Reply submission](#), November 22, 2024, para 25 (IESO Written Submission).

⁶ EB-2024-0331, Pre-hearing Conference Transcript, (November 26, 2024), (PHC Transcript) pp. 103-104; EB-2007-0040 (Ramp Rate Case) pp. 12-13 of Exhibit KPC 10: [IESO Document Brief](#).

⁷ PHC Transcript p. 100; EB-2019-0242 (TCA case) p. 54 of Exhibit KPC 10: [IESO Document Brief](#).

similar documentation to what is requested in this case but noted that the application in that previous case was withdrawn and did not proceed to final determination.⁸

OEB staff agreed that the OEB should not make determinations about the contracts between the IESO and the applicant but that the OEB's review of the Amendments needs to take into account the context of the markets as a whole.⁹ FirstLight submitted that it does not seek to expand the scope of the proceeding but may wish to file evidence on the IESO's forecast projection for pricing under the Retail Settlement Code once the Hourly Ontario Energy Price (HOEP) is replaced under the proposed Amendments, in the event that the IESO does not produce evidence on this matter.¹⁰

SEC and CCC did not make any submissions on the scope or evidentiary matters in the proceeding.

Findings

Given the agreed upon issues list, it is necessary to establish the scope of the proceeding relating to the issues.

The Amendments are the result of a market renewal process carried out by the IESO over several years with many rounds of stakeholder consultation. The new rules will result in a major change to the operation of the IESO-administered electricity market when the IESO plans to go live in May 2025.¹¹

NQS Generation Group takes the position that the Amendments result in unjust discrimination in the IESO-administered electricity market against a class of market participants, namely the non-quick start gas-fired generators. NQS Generation Group goes on to assert that the procurement contracts between the IESO and those generators makes the discrimination worse.¹² NQS Generation Group argues that the nature of the process followed by the IESO to develop the market rule Amendments and the interaction of the contracts with the market rules also fall within the scope of the issues to be determined.

⁸ PHC Transcript p. 126; EB-2013-0010 /EB-2013-0029 (RES Case), Decision on Motion for the Production of Evidence and PO3, p. 67 of [Exhibit KPC 11: OEB Staff Compendium](#).

⁹ PHC Transcript p. 128.

¹⁰ PHC Transcript, p. 98. See also Exhibit KPC 3: [OEB Guidance Letter](#) April 9, 2024.

¹¹ Market Rules do not specify a date for MRP launch. Further, there is a possibility of a rollback to the legacy market under certain conditions. IESO License Filing, [Market Rules Chapter 0.7 sections 13.2.4.5, 13.2A.1 and 13.2.A.7](#) and [Market Renewal Program: Final Alignment Batch, June 20, 2024 presentation, Slides 27-32](#)

¹² PHC Transcript pp. 74-75; [Exhibit KPC 8: NQS Pre-Hearing Conference Written Submissions](#), November 25, 2024 at para 5.

The IESO takes the position that to the extent that the Amendments give rise to unjust discrimination, this would be a function of the Amendments themselves, and not the process followed by the IESO to develop the rules. The IESO also submits that if the Amendments are upheld by the OEB, the contracts include provisions to renegotiate aspects of the contracts to recognize the new rules and address changes to the economic basis for the contracts resulting from the impact to the new rules, which includes an arbitration clause. The OEB understands that there are contract negotiations underway, in parallel with this proceeding.

Under questioning, the IESO agreed that there were two possible outcomes to this proceeding.¹³

The first outcome would be a decision by the OEB to revoke the Amendments and refer them back to the IESO for further consideration.¹⁴ In that scenario, there would be no need for NQS Generation Group and the IESO to consider changes to the contracts, since the Amendments would have been revoked.

The second outcome would be a decision by the OEB that the Amendments are consistent with the purposes of the Electricity Act and do not unjustly discriminate against or in favour of a market participant or class of market participants. In this scenario, the Amendments would continue in force. The IESO confirmed that the ability to renegotiate aspects of the agreement would remain open to the generators based on the contract language.¹⁵ In that scenario, the issue of unjust discrimination would have no bearing since the issue would have been determined by the OEB. All that would remain is to what extent, if any, the commercial contract terms would need to be adjusted.

What this means for the section 33 review process is that the contracts themselves and the provisions for generators to seek amendments to those contracts are separate from the issue of whether the Amendments are inconsistent with the purposes of the Electricity Act or will result in unjust discrimination. The OEB does not accept the assertion by NQS Generation Group that the IESO is using the contracts to “contract out of the OEB's statutory review of market rule amendments under section 33”.¹⁶ If the IESO were to make such an argument, it would fail. The issue of unjust discrimination is clearly within the purview of the OEB in this section 33 review, regardless of any contract, and the OEB fully intends to carry out that review. NQS Generation Group has

¹³ PHC Transcript p. 90.

¹⁴ *Electricity Act*, s. 33(9).

¹⁵ PHC Transcript, pp. 93, 114.

¹⁶ PHC Transcript p. 70.

not established any basis on which contractual matters could be within the scope of this section 33 review.

On the question of whether the nature and details of the process used by the IESO to consult with stakeholders and develop the market rule amendments are within the scope of the proceeding, NQS Generation Group has not established how that would assist the OEB in determining the question of whether the Amendments themselves result in unjust discrimination. One can envisage a superficial process that leads to rules that are not unjustly discriminatory, as well as a stellar process that leads to rules that are unjustly discriminatory. The point is, regardless of the process, the issue is whether the rules that result from the process are unjustly discriminatory. The review under section 33 of the *Electricity Act* needs to be focused on understanding the Amendments and what impact they have on the operation of the IESO-administered market. The OEB will not be assisted in making this determination by expanding the scope of the review to consider the details of how the IESO carried out its rule development process.

The argument that NQS Generation Group makes, based on a hypothetical example of the IESO entering into a contract with a market participant to alleviate unjust discrimination resulting from a market rule¹⁷, also fails. The rules themselves must avoid unjust discrimination, and the remedy does not lie in a contractual arrangement with a market participant. The remedy is to revoke the rule and send it back to the IESO for further consideration, regardless of what any particular contract may provide for.

Intervention Requests and Cost Eligibility

Procedural Order No. required all parties requesting intervenor status to attend the pre-hearing conference and make submissions demonstrating that they have a substantial interest in the proceeding in accordance with Rule 22.02 of the OEB's [Rules of Practice and Procedure](#).

The OEB received intervenor requests from the following parties:

- HQ Energy Marketing Inc. (HQEM)
- Association of Power Producers of Ontario (APPRO)
- FirstLight Holdings Inc. (FirstLight)
- School Energy Coalition (SEC)
- Consumers Council of Canada (CCC)

¹⁷ PHC Transcript p. 70.

Only SEC and CCC applied for cost eligibility.

The IESO requested that the OEB confirm that the IESO, as the body responsible for making the market rules, is automatically a respondent to the application without the need to file a request for intervenor status.¹⁸ The OEB agrees that the IESO is a necessary party to the application and was not required to file an intervention request.

Findings

SEC and CCC

There is agreement to the intervention requests made by SEC and CCC and there is no objection to granting them cost eligibility. The OEB notes that CCC will not be retaining counsel and will coordinate its intervention with SEC and its counsel. Neither party proposes to call evidence. The OEB finds that they meet the substantial interest requirement and are the only parties that represent consumer interests in this proceeding. The OEB grants SEC and CCC intervenor status and costs eligibility.

APPrO

The IESO opposes APPrO's intervention request on the basis that there is no clear distinction between the interests of NQS Generation Group and APPrO. APPrO submitted that it represents generator interests beyond the interests of the NQS Generation Group and is focused on the issue of unjust discrimination and the OEB's jurisdiction from that perspective. APPrO does not intend to call evidence and does not seek cost eligibility, acknowledging that in the context of this proceeding, it is representing the commercial interests of generators rather than the interests of generators as rate payers. The OEB grants APPrO intervenor status.

HQEM

NQS Generation Group opposes HQEM's intervention request on the basis that it is a competing market participant. HQEM submitted that as a market participant, it has been involved in the IESO's process to develop the Amendments and would be negatively impacted by any decision by the OEB to revoke the Amendments. HQEM does not intend to file evidence and does not seek cost eligibility. The OEB finds that HQEM has met the substantial interest requirement on the basis that, like the NQS Generation Group, it is a market participant and will be affected by the outcome of this proceeding. The OEB grants HQEM intervenor status.

¹⁸ [Exhibit KPC 4: IESO Letter, November 11, 2024.](#)

FirstLight

The IESO opposes FirstLight's intervention request on the basis that it operates a different type of generation facilities than the NQS Generation Group and did not file its own application for a section 33 review. FirstLight submitted that as a market participant, it is potentially affected by the outcome of this proceeding based on the nature of its contracts with the IESO. The OEB has already determined that the scope of this proceeding does not include consideration of contract matters. However, the OEB has also determined that the information it requires from the IESO must include a description of the impact of the Amendments on market participants, including FirstLight. FirstLight submitted that if that information was provided, it would not seek to file evidence.¹⁹ FirstLight does not seek cost eligibility. The OEB grants FirstLight intervenor status on the basis that, like the NQS Generation Group and HQEM, it is a market participant with an interest in the outcome of this proceeding. FirstLight's intervenor status is restricted to the scope of this proceeding, as is the case for the other intervenors.

The list of parties in this proceeding is attached as Schedule A to this Procedural Order.

Cost Responsibility

In Procedural Order No.1, the OEB stated that it expects the IESO to bear the OEB's costs of this proceeding and for the NQS Generation Group to bear its own costs as well as the costs of intervenors that are granted cost eligibility.

The IESO agreed with the OEB's proposal set out in Procedural Order No.1. However, the NQS Generation Group objected to being responsible for intervenor costs and argued that such an approach is inconsistent with past OEB decisions.²⁰ SEC supported the NQS Generation Group's position that the IESO should bear non-applicant costs, as a section 33 proceeding is the last step in the broader market rules amendment process.²¹

No other intervenors made submissions on cost responsibility. OEB staff did not make a submission on cost responsibility.

Findings

The IESO has agreed that it will cover the OEB's costs of this proceeding. The IESO supported the proposal that NQS Generation Group bear its own costs and any costs

¹⁹ PHC Transcript p. 98

²⁰ PHC Transcript, p. 59.

²¹ PHC Transcript, p. 11.

awarded to SEC and CCC. NQS Generation Group accepted that it would bear its own cost to participate in the proceeding but objected to the proposal that it be responsible for any costs awarded to SEC or CCC.

All other parties are bearing their own cost to participate in the proceeding. Section 30 of the *Ontario Energy Board Act, 1998* (OEB Act) makes it clear that the OEB has the authority to order any person to pay costs to any other person participating in a proceeding. It is clear that NQS Generation Group is pursuing its commercial interests in bringing this application and the OEB typically requires such parties to bear their own cost of participating. At issue here is who should bear the costs that may be awarded to SEC or CCC, who are participating in this proceeding in response to the NQS Generation Group's application. Should it be NQS Generation Group, on the basis that this proceeding is triggered by the commercial interests of the NQS generators, or the IESO, a not-for-profit entity that is funded by electricity rate payers? The OEB is of the view that it is appropriate for NQS Generation Group to bear that cost.

Disclosure Requests

As part of its application, the NQS Generation Group attached a schedule listing various types of information and documents that the IESO should be required to produce. In its letter of November 14, 2024, NQS Generation Group reiterated its request and provided further explanation for each requested item.²² The IESO responded to the request and provided explanations for its refusal to produce the requested information.²³

The NQS Generation Group submitted that its disclosure request is targeted, within the scope of the application and is needed to provide evidence of economic harm and unjust discrimination.

In its written response and at the pre-hearing conference, the IESO maintained that the requested documents pertain to the IESO's decision-making processes and contractual matters, are irrelevant to the proceeding and have been excluded by the OEB in previous section 33 proceedings.²⁴

The IESO argued that the OEB's review should not reference out-of-market, ongoing contract amendment processes. The IESO accordingly took the position that most of the documents requested in NQS Generation Group's application are out of scope and irrelevant to a section 33 review. The IESO also maintained that the contracts and

²² [NQS Letter, November 14, 2024.](#)

²³ [Exhibit KPC9: IESO Written Submission, November 22, 2024](#), Appendix A.

²⁴ [Exhibit KPC9: IESO Written Submission, November 22, 2024](#), at paras. 24-25.

contract-related information is out of scope insofar as they are subject to a distinct dispute resolution process.²⁵

Intervenors did not make any submissions with respect to NQS Generation Group's disclosure request.

Findings

NQS Generation Group provided a schedule to their application detailing their specific disclosure requests and subsequently filed a table setting out their submission in support of each request. The IESO has provided a response to each item in that table. The disclosure requests are generally asking to receive information that relates to:

- the process the IESO engaged in, leading up to the finalization of the Amendments
- a comparison of the impacts on generators under various aspects of the current rules and the Amendments
- comparisons between the approach taken under the Amendments and the approach taken in other jurisdictions
- the approach the IESO applied in various procurement processes

Based on the conclusion reached above on the scope of the proceeding, the OEB will not require disclosure related to the process engaged in by the IESO, comparisons with the approach taken in other jurisdictions, nor the approach applied by the IESO in its procurement processes.

NQS Generation Group and others submitted that the OEB should not review the Amendments in a vacuum. The OEB agrees. What is currently on the record is a large number of documents filed by the IESO that provide information about the stakeholder process the IESO followed and the results of that process culminating in the Amendments that are the subject of this proceeding. Much of that information is very technical and granular and it is difficult to extract a picture of the Amendments as a whole, the changes to how the market operates and the impact of the changes across the market participants. The OEB requires the IESO to prepare and file a document in clear language that:

- describes the objectives of the Amendments
- provides a detailed overview of the Amendments
- describes how the Amendments achieve the objectives of the Amendments

²⁵ PHC Transcript pp. 86-88.

- describes the key changes to the current market rules and the expected impacts on market participants.

This will provide context for the application and will allow the OEB to better understand the basis on which NQS Generation Group seeks to challenge the Amendments. This will also address the request made by FirstLight “with respect to what pricing will look like under the Retail Settlement Code”, as part of the description of the expected impacts resulting from the market rule amendments.²⁶

Given that NQS Generation Group seeks the revocation of the Amendments as a whole, it will be necessary to understand them as a whole. The IESO is in the best position to provide that information. This will assist NQS Generation Group in preparing its evidence and will assist the OEB by providing the context to understand the issues raised by NQS Generation Group.

Beyond this, the OEB will not require further disclosure from the IESO at this time.

Proposed Evidence

As discussed above, the OEB is requiring evidence from the IESO relating to the Amendments as a whole. NQS Generation Group also plans to file evidence and will be guided by the OEB’s decision on the scope of the proceeding.

As noted above, FirstLight does not plan to file evidence if information is filed by the IESO as requested by FirstLight. Since the OEB is directing the IESO to file an overview that includes that information, the OEB is proceeding on the basis that FirstLight will not be filing evidence. No other party proposes to call evidence. OEB staff advised that they do not intend to call evidence.

Procedural Schedule

The OEB has considered the submissions of the parties regarding the procedural schedule. The requirement for the IESO to file information on the Amendments as a whole also affects the schedule. In addition to IESO providing the required information, the proceeding will benefit from IESO presenting its witnesses on that information first, to be followed by cross-examination by NQS Generation Group, the intervenors and OEB staff. NQS Generation Group’s witnesses would be called next and the IESO and other parties would have an opportunity to cross-examine the NQS Generation Group’s evidence. The table below sets out the schedule for the proceeding relative to Procedural Order No. 1 and the submissions of the IESO and NQS Generation Group.

²⁶ PHC Transcript, p. 97, lines 14-28.

Event	PO#1 Proposed Date	IESO Proposed Date	NQS Proposed Date	PO#2 Date
IESO Market Rule Description Evidence				Dec 11, 2024
NQS Evidence	Dec 11, 2024	Dec 11, 2024	Dec 11, 2024	Dec 18, 2024
OEB staff and intervenor evidence	Dec 18, 2024	Dec 18, 2024	Dec 18, 2024	n/a – OEB staff and intervenors do not propose to call evidence
IESO responding evidence	Jan 6, 2025	Jan 6, 2025	Jan 6, 2025	Jan 6, 2025
Technical Conference	Jan 6-7, 2025	Jan 9-10, 2025	Jan 9-10, 2025	Jan 9-10, 2025
Oral Hearing	Jan 13-15, 2025	Jan 15-17, 2025	Jan 15-17, 2025	Jan 15-17, 2025
Undertaking Deadline	Jan 20, 2025	Jan 20, 2025	Jan 20, 2025	Jan 20, 2025
NQS Argument	Jan 27, 2025	Jan 27, 2025	Feb 10, 2025	Jan 27, 2025
Staff and Intervenor Submissions	Feb 3, 2025	Feb 3, 2025	Feb 3, 2025	Feb 3, 2025
IESO Argument	Feb 10, 2025	Feb 10, 2025	Jan 27, 2025	Feb 10, 2025
NQS Reply Argument				Feb 18, 2025
Panel Question Day (tentative)	-	-	-	Feb 24, 2025
OEB Decision	By Mar 6, 2025	By Mar 6, 2025	By Mar 6, 2025	By Mar 6, 2025

Technical Conference

A transcribed technical conference will be held on January 9th and 10th, 2025. Parties intending to participate will be required to file the topic areas for questioning and provide an estimate of time for each area of focus by January 6, 2024.

As indicated above, the OEB is directing that the IESO file certain information as the next step in this proceeding. At the technical conference, the OEB will be assisted by the IESO first presenting its witnesses on that information, followed by questions from NQS Generation Group, intervenors and OEB staff. After the IESO's witnesses, NQS Generation Group will present its witnesses and evidence, followed by questions from the other parties.

The deadline for responses to undertakings from the technical conference will be January 13, 2025.

The OEB expects that parties will coordinate to allow for an efficient technical conference. Further, parties should not engage in detailed exploration of items that do not appear to be material or are inconsistent with the OEB's findings on the scope of the proceeding and evidentiary matters as set out in this Decision.

Hearing of Application

The OEB will proceed with its consideration of the application by way of a hybrid oral hearing that will commence on January 15, 2024.

The OEB expects that the Applicant, the IESO, and their witnesses providing evidence will attend the hearing in person, with the remaining participants able to join online. The hearing will be devoted to hearing evidence as may be required and hearing the final oral argument, potentially supplemented by written summaries.

In making its decision on cost awards, the OEB will consider whether intervenors made reasonable efforts to ensure that their participation in the hearing was focused on material issues.

Panel Question Day

The OEB is tentatively planning to hold a Panel Question Day on February 24, 2025. If required, further details will be provided closer to the date.

It is necessary to make provision for the following matters related to this proceeding. Further procedural orders may be issued by the OEB.

THE ONTARIO ENERGY BOARD ORDERS THAT:

1. The IESO shall file with the OEB a document clearly explaining the Market Renewal Program market rule amendments, as contemplated by this Decision, and serve it on all parties by December 11, 2024.
2. The NQS Generation Group shall file with the OEB and serve on all parties all evidence on which it intends to rely in support of its application, by December 18, 2024.
3. If the IESO wishes to file a reply to the evidence submitted, it shall file responding evidence with the OEB and serve it on all parties by January 6, 2024.

4. A transcribed virtual technical conference will be held on January 9, 2025, starting at 9:30 a.m. If necessary, the technical conference will continue on January 10, 2025. All parties shall file with the OEB, and provide to the IESO and the NQS Generation Group, a description of the specific areas they will focus on at the technical conference, and time estimates by January 6, 2024. The meeting link and information on how to connect to the event will be communicated to parties closer to the date.
5. The IESO and the NQS Generation Group shall file with the OEB, complete written responses to any undertakings from the technical conference and serve them to all parties by January 13, 2024.
6. The hybrid oral hearing on the application, including evidence as may be required and final argument, will commence on January 15, 2025, starting at 9:30 a.m. in the OEB's Offices at 2300 Yonge Street, 25th floor, Toronto, Ontario. Additional hearing time will be provided for as necessary from January 16 to January 17.
7. The IESO and the NQS Generation Group shall file with the OEB, complete written responses to any undertakings from the oral hearing and serve them to all parties by January 20, 2025.
8. The NQS Generation Group shall file with the OEB and serve on all parties its Argument-In-Chief, by January 27, 2025.
9. OEB staff and intervenors shall file with the OEB and serve on all parties their submissions, by February 3, 2025.
10. The IESO shall file with the OEB and serve on all parties its Argument, by February 10, 2025.
11. The NQS Generation Group shall file with the OEB and serve on all parties its Reply Argument, by February 18, 2025.

Parties are responsible for ensuring that any documents they file with the OEB, such as applicant and intervenor evidence, interrogatories and responses to interrogatories or any other type of document, **do not include personal information** (as that phrase is defined in the *Freedom of Information and Protection of Privacy Act*), unless filed in accordance with rule 9A of the OEB's [Rules of Practice and Procedure](#).

Please quote file number, **EB-2024-0331** for all materials filed and submit them in searchable/unrestricted PDF format with a digital signature through the [OEB's online filing portal](#).

- Filings should clearly state the sender's name, postal address, telephone number and e-mail address.
- Please use the document naming conventions and document submission standards outlined in the [Regulatory Electronic Submission System \(RESS\) Document Guidelines](#) found at the [File documents online page](#) on the OEB's website.
- Parties are encouraged to use RESS. Those who have not yet [set up an account](#), or require assistance using the online filing portal can contact registrar@oeb.ca for assistance.
- Cost claims are filed through the OEB's online filing portal. Please visit the [File documents online page](#) of the OEB's website for more information. All participants shall download a copy of their submitted cost claim and serve it on all required parties as per the [Practice Direction on Cost Awards](#).

All communications should be directed to the attention of the Registrar and be received by end of business, 4:45 p.m., on the required date.

With respect to distribution lists for all electronic correspondence and materials related to this proceeding, parties must include the Case Manager, Michael Bell at michael.bell@oeb.ca and OEB Counsel, Ljuba Djurdjevic at ljuba.djurdjevic@oeb.ca.

Email: registrar@oeb.ca

Tel: 1-877-632-2727 (Toll free)

DATED at Toronto, **December 2, 2024**

ONTARIO ENERGY BOARD

Nancy Marconi
Registrar

SCHEDULE A
LIST OF APPLICANT AND INTERVENORS
NQS Generation Group
EB-2024-0331
DECISION AND PROCEDURAL ORDER NO. 2
DECEMBER 2, 2024

**NQS Generation Group
EB-2024-0331**

**APPLICANT & LIST OF PARTICIPANTS, INTERVENORS
December 2, 2024**

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**NQS Generation Group
EB-2024-0331**

**APPLICANT & LIST OF PARTICIPANTS, INTERVENORS
December 2, 2024**

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