



Reasons of the *IESO Board* in respect of an *amendment to the market rules*

Terms and acronyms used herein that are italicized have the meanings ascribed thereto in Chapter 11 of the *market rules*.

The following sets out the *IESO Board's* reasons for its decision on the proposed *amendment* to the *market rules* identified in Part 1 below (the “**Amendment**”).

PART 1 – MARKET RULE INFORMATION

Identification No.:	MR- 00438-R00
Title:	Selection of a mediator or arbitrator that is not a member of the IESO Dispute Resolution Panel

The *IESO Board* convened to consider the Amendment on the date and location set out in Part 2 below.

PART 2 – BOARD MEETING INFORMATION

Date:	August 28, 2019
Location:	120 Adelaide Street, West, Toronto

Prior to considering the Amendment, the Chair of the *IESO Board* enquired whether any director of the *IESO Board* had a conflict of interest to declare, the result of which is set out in Part 3 below.

PART 3 – CONFLICTS OF INTEREST

<input checked="" type="checkbox"/> No conflict was declared.
<input type="checkbox"/> Any director declaring a conflict of interest abstained from voting on the adoption of the Amendment.

The *IESO Board* was presented with the materials in respect of the Amendment identified in Part 4 below (the “**Materials**”), all of which is *published* on the *IESO*’s [website](#) subject to such redactions as *IESO* staff determined reasonably necessary.

PART 4 – MATERIALS

- Agenda Item Summary
- Memorandum from the Technical Panel Chair
- Market Rule Amendment Proposal
- Draft Resolution
- Technical Panel member vote and rationale
- Consumer Impact Assessment (this assessment is required to support the Ontario Energy Board market rule amendment review process)
- Technical Panel and Stakeholder Comments (this assessment is required to support the Ontario Energy Board market rule amendment review process)

Having considered the Amendment and the Materials, the *IESO Board* decided as identified in Part 5 for the reasons set out in Part 6.

PART 5 – DECISION

- The *IESO Board* decided in favour of the adoption of the Amendment.
- The *IESO Board* referred the Amendment back to the *technical panel* for further consideration and vote.
- The *IESO Board* decided against the adoption of the Amendment.

PART 6 – REASONS

The *IESO Board* reviewed the Materials including the unanimous *technical panel* vote to recommend MR-00438-R00 for approval by the *IESO Board*. The *IESO Board* discussed the Amendment at the August 28, 2019 *IESO Board* meeting. The *IESO Board* decided to adopt the Amendment, with an effective date of October 15, 2019. This Amendment implements a recommendation previously approved by the *IESO Board*, that is contained in the IESO Governance and Decision-Making Recommendations Report developed through input from an Advisory Group on IESO Governance and Decision-Making. The Amendment explicitly gives disputing market participants the authority under the *market rules* to select a mediator or arbitrator that is not a member of the IESO Dispute Resolution Panel. Although the *market rules* did not preclude the disputing parties to choose a mediator or arbitrator that is not an IESO Dispute Resolution Panel member, the IESO Board is in favour of explicitly codifying such rights by way of this Amendment.