

Memorandum

To: Technical Panel
From: Robert Doyle
Date: May 14, 2019
Re: MR-00438: Dispute Resolution: Selection of a mediator or arbitrator other than an IESO
Dispute Resolution Panel member

Attached for Technical Panel review and consideration is a market rule amendment proposal concerning the selection of a mediator or arbitrator for a dispute commenced under the market rules, other than a Dispute Resolution Panel member. The IESO proposes to amend the market rules to provide flexibility to the parties of a market rules dispute to select mediators or arbitrators that are not members of the Dispute Resolution Panel.

In 2018, the IESO formed an Advisory Group on IESO Governance and Decision-Making. Members of the Advisory Group provided input to the IESO on its market rules, market manuals and dispute resolution processes. The input was used to develop 14 [recommendations](#). The recommendation pertaining to this rule amendment proposal asks the IESO to:

"amend the Dispute Resolution provisions of the market rules to provide the market participant/applicant (in a dispute), with selection and veto rights as concerns the appointment of a mediator, arbitrator or panel of arbitrators from the list of Dispute Resolution Panel members (to the extent that this right does not already exist)."

The IESO raised no objections to this potential change at the Advisory Group meetings, and this market rule amendment submission will codify the recommendation into the Market Rules. The proposed rule amendments explicitly provide for the parties to find agreement on mediators or arbitrators that are not members of the Dispute Resolution Panel.

Accompanying materials available on the Technical Panel [webpage](#) and listed below for reference.

- MR-00438-R00 Amendment Proposal which contains additional background information on the Dispute Resolution process
- Overview Presentation, dated May 14, 2019

IESO Recommendation - Priority

The IESO recommends that the Technical Panel assign a regular priority to the market rule amendment proposal.

Panel Action and Next Steps

The IESO recommends that the Technical Panel agree to post MR-00438-R00 to stakeholder review and comment for a period of two weeks, ending on June 5, 2019. The target for IESO Board consideration of the amendment proposal is August 28, 2019.

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