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October 29, 2012

Kirsten Walli  
Board Secretary, Ontario Energy Board  
P.O. Box 2319  
27<sup>th</sup> floor – 2300 Yonge Street  
Toronto, Ontario M4P 1E4

Dear Ms. Walli,

Re: **Renewed Regulatory Framework for Electricity**  
**Request for Cost Award Eligibility**

**Board File Numbers: EB-2010-0377, EB-2010-0378, EB-2010-0379, EB-2011-0004, and EB-2011-0043**

We are writing to seek participant status and cost award eligibility with regard to the Ontario Energy Board (the “Board”)’s consultation regarding the Renewed Regulatory Framework for Electricity (“RRFE”) on behalf of our client, the Retail Council of Canada (“RCC”) in response to your letter dated October 18, 2012. If successful, RCC intends to attend the October 31 2012 Webcast; the December stakeholder meeting; the April stakeholder meeting on performance and benchmarking issues; the April stakeholder conference on inflation, productivity and stretch factors; and to make written comments and attend other stakeholder meetings as directed by the Board.

**Request for Participant Status**

RCC requests intervenor status based on the following:

1. RCC represents Ontario and Canada’s retail sectors. RCC’s members account for 80% of total retail sales in the country.
2. The retail sector provides jobs for over 800,000 people in Ontario and is the Province’s second largest employer. Ontario is home to Canada’s largest collection of best-in-class retail chain head offices, distribution centres and store locations, vital links in Ontario’s economy.

3. As ratepayers, Ontario retailers of all sizes and varieties are dependent on electricity to operate. RCC's members have an interest in all five of the inter-related initiatives covered in this consultation. RCC has previously addressed its members' interests in the inter-related initiatives in RCC's initial Late Request for Participant Status and Cost Eligibility relating to the RRFE dated December 2, 2011 and its RRFE stakeholder submissions to the Board dated April 20, 2012.
4. Further to these interests, RCC seeks to work with the Board toward ensuring a cost-effective and dependable electricity system that fosters economic growth in Ontario.

### **Request for Cost Award Eligibility**

RCC is seeking a determination of cost award eligibility based on the following grounds:

1. RCC is a not-for-profit organization funded by membership, sponsorships fees and revenues that it derives from the services it provides to Federal and Provincial Governments and Agencies in furtherance of the retail trade in Canada.
2. RCC is the premier policy voice for retailers across Ontario and Canada. As such, RCC represents the direct interests of Ontario retailers as ratepayers in relation to the regulated services covered by this consultation process.
3. Retailers have an important perspective on the cost and quality of electricity generation because of their specific electricity consumption patterns, which differ in material respects from other industrial and commercial electricity users. Hearing a retailer perspective will be helpful to the Board throughout this consultation.
4. RCC's ability to actively participate in this proceeding is dependent upon a determination that it is eligible for a cost award. The Board has previously found RCC eligible for a cost award in the RRFE consultation.

### **Separate Expert Submissions**

At this time, RCC is not seeking costs for separate expert submissions.

### **RCC Contacts & Representative**

If the relief requested in this letter is granted, RCC intends to retain Zizzo Allan Professional Corporation to represent it in this matter. In your October 18, 2012 letter, you requested the names and credentials of intended representatives. To that end, both Laura Zizzo and I are lawyers called to the bar in Ontario with experience in a broad range of energy, corporate and environmental law matters, including representing clients in previous Board consultation proceedings, including much of the Renewed Regulatory Framework for Electricity before the Board released its October 18, 2012 report. Our

contact information is listed below. If requested to do so, we would be pleased to provide further details relating to our experience.

RCC requests that further communications related to this matter be sent to the following:

Retail Council of Canada  
Suite 800 – 1255 Bay Street  
Toronto, ON M5R 2A9

Zizzo Allan Professional Corporation  
Suite 201 – 156 Front Street West  
Toronto, ON M5J 2L6

**Gary Rygus**

Director,  
Government Relations (Ontario)  
Tel: (416) 922-0553 ext. 225  
Fax: (416) 922-8011  
Email: [gyrgus@retailcouncil.org](mailto:gyrgus@retailcouncil.org)

**Travis J. Allan**

Partner  
Tel: (416) 417-1195  
Fax: (888) 734-9459  
E-mail: [travis@zizzoallan.com](mailto:travis@zizzoallan.com)

**Jonathan Farkouh**

Manager, Member Programs  
Tel: (416) 922-6678 ext. 319  
Fax: (416) 922-8011  
Email: [jfaroukouh@retailcouncil.org](mailto:jfaroukouh@retailcouncil.org)

**Laura Zizzo**

Partner  
Tel: (416) 817-5140  
Fax: (888) 734-9459  
E-mail: [laura@zizzoallan.com](mailto:laura@zizzoallan.com)

Please contact me if the Board requires any further information in relation to these requests.

Sincerely,

**Zizzo Allan Professional Corporation**

[Signed Original Sent to Board]

Travis J. Allan

CC: G. Rygus, RCC  
J. Farkouh, RCC  
L. Zizzo, Zizzo Allan Professional Corporation