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File: 6286

September 27, 2013

Ontario Energy Board
2300 Yonge Street
27th Floor
Toronto, ON M4P 1E4

Attention: Kirsten Walli, Board Secretary

Dear Ms. Walli:

Re: EB-2013-0301 – Ontario Sustainable Energy Association Comments on the Ontario Energy Board Framework for Intervenors

Please find enclosed the Ontario Sustainable Energy Association's submission on the first phase of the Board's Review of the Framework Governing the Participation of Intervenors in Board Proceedings.

Yours truly,

Joanna Vince

cc: client

Document #: 654990

OSEA's Comments on the Ontario Energy Board's Review of Framework Governing the Participation of Intervenors in Board Proceedings

OSEA welcomes the opportunity to comment on the Board's initiative to review the framework within which intervenors participate in a variety of Board proceedings.

OSEA is a respected advocate, facilitator and business catalyst bringing the public, commercial and community sustainable energy sector and their supporters together to address emerging trends. We do this by providing access to credible partners, networking opportunities, independent research and stakeholder engagement, timely communication of trusted information, tools and techniques and through policy and regulatory reform. OSEA is a non-partisan, member-based non-profit dedicated to inspiring and enabling the people of Ontario to improve the environment, economy and their health by conserving and producing clean, renewable energy in their homes, businesses and communities.

Members include individuals, manufacturers, installers, developers, municipalities, First Nations, farmers, co-operatives and other community organizations that support OSEA's mission.

What is sustainability?

Sustainability refers to meeting our own needs and improving the quality of our lives while ensuring the ecological system that sustains us is healthy and capable of supporting future generations.

What is Sustainable Energy?

Sustainable energy involves the effective and efficient production and use of energy from various distributed sources matched in scale and quality to the end use. Proponents of sustainable energy recognize that energy is a means to an end, not the end itself. Sustainable energy is about producing and using energy in a way that meets our needs and improves the quality of our lives while also ensuring that the ecological system that sustains us, our economy and society is healthy and capable of supporting future generations at a similar level long into the future.

What is included in the portfolio of Sustainable Energy?

Sustainable Energy includes conservation, energy efficiency, demand management, smart buildings, thermal and electrical storage, smart-grids, district energy networks, combined heat and power, waste energy capture and renewable heat and electricity from biomass, wind, water, geothermal and solar energy.

According to the Board's letter, the objective of this review is to determine whether there are ways in which the Board's approach to intervenors might be modified in order to better achieve the Board's statutory objectives.

Response to Question about Intervenor Status

1. What factors should the Board consider in determining whether a person seeking intervenor status has a "substantial interest" in a particular proceeding before the Board? For instance, should the Board require a person seeking intervenor status to demonstrate consultation or engagement with a constituency directly affected by the application?

OSEA submits that intervenors should be selected that represent groups that will be affected by the application. The intervenor must consult and engage with the groups they state they represent to adequately argue for the groups interest. These groups could include consumers, customers, rate

payers, stakeholders, electricity users, targets and proponents of energy conservation. Public interest groups should represent those affected by the application or public interests that reflect the integration of social, economic and ecological priorities as defined in the province's Long Term Energy Plan.

2. What conditions might the Board appropriately impose when granting intervenor status to a party? For instance, should the Board also require an intervenor to demonstrate how the intervening group or association governs the participation by its legal counsel and other representatives in the application?

OSEA submits that legal and other representatives must be instructed directly by the intervenors and reflect the intervenors position on the application. The Board should require intervenors to:

- Submit their vision, mission and corporate goals
- State their organization's economic, social and ecological mandate and its relationship to the energy system
- Provide a list of those Directors, executives and other responsible parties who hold a fiduciary and legally binding responsibility for the organization or group
- Demonstrate how their group or association governs the participation by its legal counsel and other representatives
- Submit a list of stakeholders consulted and the channels utilized for consultation
- Submit a list of the activities and funding sources of the organization
- Demonstrate why financial support is necessary and which stakeholders are served by providing funding support information

Response to Questions on Cost Eligibility

1. What factors should the Board consider in determining whether a party primarily represents the direct interests of consumers (e.g. ratepayers) in relation to services that are regulated by the Board? For instance, should the Board require the party to demonstrate consultation or engagement with a class of consumers directly affected by the application?

Intervenors stating they represent the direct interests of consumers should be required to demonstrate consultation or engagement with consumers directly affected by the application.

2. What factors should the Board consider in determining whether a party primarily represents a public interest relevant to the Board's mandate?

OSEA suggests that the board look at the Mission, Values and functions of a party to determine if it is acting the public interest, i.e., for the greater good of society. The Board may also consider the past arguments and submissions made by an intervenor. For reasons that OSEA does not understand, the Board is of the opinion that OSEA represents generators and therefore is ineligible for costs in most proceedings. OSEA is a non-partisan, member-based non-profit dedicated to inspiring and enabling the people of Ontario to improve the environment, economy and their health by conserving and producing clean, renewable energy in their homes, businesses and communities – most decidedly, in the public interest. In past hearings, OSEA's submissions have been consistent with its mandate, and have promoted the implementation and expansion of conservation and demand management programs, funding for sustainable green energy procurement and a reliable and timely process to connect micro sized renewable generation sources to the grid. The Board must distinguish between lobbying/generator groups and public interest groups that support sustainable energy (including renewable energy generation).

3. What conditions might the Board appropriately impose when determining the eligibility of a party for costs? For instance, what efforts should the Board reasonably expect a party to take to combine its intervention with that of one or more similarly situated parties? Should the Board reasonably expect parties representing different consumer interests to combine their interventions on issues relating to revenue requirement (as opposed to cost allocation)?

OSEA contends that such enforce combinations would dilute the contributions of individual intervenors. Contributions from each intervenor create a full and thorough discussion of the issues.

4. Should the Board consider different approaches to administering cost awards in adjudicative proceedings? For instance, should the Board consider adopting an approach that provides for pre-approved budgets, pre-established amounts for each hearing activity (similar to the approach for policy consultations), and pre-established amounts for disbursements?

OSEA disagrees with this recommendation. Depending on the issues and each intervenors individual concerns and participation in the application, costs vary greatly between intervenors.

Recommended Modifications

1. Are there modifications that the Board should consider making to the Rules and the Practice Direction?

OSEA has no recommended modifications at this time, but reserves the right to make suggestions in Phase 2.

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