



PUBLIC INTEREST ADVOCACY CENTRE  
LE CENTRE POUR LA DÉFENSE DE L'INTÉRÊT PUBLIC

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ONE Nicholas Street, Suite 1204, Ottawa, Ontario, Canada K1N 7B7

Tel: (613) 562-4002 Fax: (613) 562-0007 E-mail: [piac@piac.ca](mailto:piac@piac.ca) Website: <http://www.piac.ca>

Cynthia Khoo, External Counsel, Regulatory Affairs, 1139 College Street, Toronto, ON M6H 1B5  
Direct : 604-725-5484, [ckhoo@piac.ca](mailto:ckhoo@piac.ca)

April 11, 2017

**VIA E-MAIL**

Ms. Kirsten Walli  
Board Secretary  
Ontario Energy Board  
P.O. Box 2319, 2300 Yonge St.  
Toronto, ON, M4P 1E4

Dear Ms. Walli:

**Re: EB-2016-0137/138/139 Applications Elderslie, Kincardine and Township of Huron-Kinloss: Notice of Intervention of Vulnerable Energy Consumers Coalition (VECC)**

It has come to our attention that in Procedural Order No.3, the Board has asked for parties to re-request intervention status in this application and by March 30, 2017. VECC had previously applied for intervention in this application. We may have been confused by the Board's process in this matter—which appears to have bifurcated the application into the issues of the criteria and the filing requirement for the application from the application—though it appears to us that the application has already been filed. We regret our inability to comply in a timely fashion.

In any event, we would note that it is somewhat difficult for a party to make a submission as to its intention to participate in the second phase of an application in the absence of a determination of the first. However, it has been VECC's intention to participate in the practical application of the principles developed in the initial generic hearing. To that end, VECC has twice indicated its intention to participate in the application of Union Gas in EB-2015-0179 that deals with related issues. Both applications fall from the Board's recent determination in EB-2016-0004, in which VECC was an active participant.

We would therefore, with respect, ask the Board's indulgence and request that VECC be accepted for late (Phase II) intervenor status with attendant cost eligibility in the above noted application.

We would also note that the Board has, in a number of past cases (EB-2008-0238 and EB-2014-0162 among them), ruled that VECC's intervention on behalf of its constituent consumer interests is not dependent on actual individual members in the VECC coalition groups being in the application franchise. Instead, if there is a real interest that is to be advanced on behalf of the constituency that VECC seeks to represent within the affected ratepayer group, then its participation will be accepted.

Yours truly,

Cynthia Khoo  
Counsel for VECC

EPCOR Utilities Inc. - Britt Tan, Legal Counsel, Email only: [btan@epcor.com](mailto:btan@epcor.com)