

August 29, 2017

RESS, EMAIL & COURIER

Ontario Energy Board
P.O. Box 2319
27th Floor
2300 Yonge Street
Toronto, ON M4P 1E4

Attention: Ms. K. Walli, Board Secretary

Dear Ms. Walli:

**Re: Alectra Utilities – Application for Distribution Rates and Other Charges
Effective January 1, 2018 (EB-2017-0024) – Response to Intervenor
Requests and Form of Hearing**

We are counsel to Alectra Utilities Corporation (“Alectra”) in connection with the above-noted proceeding.

We are writing in response to intervenor request letters filed by:

- Mr. Chris Capredoni dated July 8, 2017;
- School Energy Coalition (“SEC”) dated July 11, 2017;
- Building Owners and Managers Association (“BOMA”) dated August 21, 2017;
- Consumers Council of Canada (“CCC”) dated August 28, 2017;
- Association of Major Power Consumers in Ontario (“AMPCO”) dated August 28, 2017;
- Vulnerable Energy Coalition of Canada (“VECC”) dated August 29, 2017.

We also address below a letter filed by BOMA dated August 28, 2017 concerning the form of hearing.

Beginning with Mr. Capredoni’s request, while it was not served on Alectra, we recently learned of his request through the copy posted to the Board’s website. For the following reasons, Alectra respectfully objects to his request to intervene and ask that it be denied by the Board.

In his letter, Mr. Capredoni states: “I am requesting intervenor status on behalf of my small

business and as a representative/advocate for other small business owners in the Greater Niagara Chamber of Commerce and Ontario Chamber of Commerce” (underline added). We will address each underlined part below.

First, regarding the request to represent the Greater Niagara Chamber of Commerce and Ontario Chamber of Commerce (or to represent a subset of their members), Mr. Capredoni has not provided any evidence that he has been duly authorized or appointed by either group (or by their members) for the purpose of intervening in this proceeding. His letter states that the outcome of EB-2017-0024 is of “particular interest to [Mr. Capredoni’s] membership/demographic”. However, membership in an organization or classification under a particular class of persons alone would not give rise to standing to intervene on behalf of such organization or persons.

Second, while Mr. Capredoni also seeks intervenor status on behalf of his small business, he provides no explanation regarding the relevant interest in the proceeding. Other than general references to the “negative impact on ratepayers” (including the demographic of “small business owners”) and the “particular interest to [Mr. Capredoni’s] membership/demographic”, the letter fails to note any reason that his particular business – Capredoni Enterprises Ltd. – holds an interest in the proceeding, let alone a “substantial interest” as is required for intervenor status under Rule 22.02 of the Board’s *Rules of Practice and Procedure*. Moreover, even assuming that this requirement is met, Alectra submits that one or more of the other intervenors (i.e. frequent intervenors) would adequately represent the interests of business owners like Mr. Capredoni, as is typically the case in distribution rate proceedings. Duplication in intervenor participation would be both inappropriate and inefficient for the proceeding.

Turning to the letters filed by SEC, BOMA, CCC, AMPCO and VECC, these are general in nature and make broad requests for cost eligibility. By Letter of Direction and Notice of Application, however, the Board directed that it would consider cost awards “only in relation to the incremental funding proposals [made by Alectra] for each of the Brampton, Enersource and PowerStream Rate Zones.” The SEC, BOMA, CCC, AMPCO and VECC letters are inconsistent with this direction.

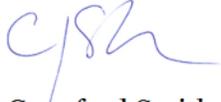
With respect to the form of hearing, only BOMA commented. In its August 28 letter, BOMA expresses the view that Alectra’s application should proceed by way of oral hearing. Alectra disagrees.

Among the justifications advanced by BOMA are “the sheer size” of the application, including both rate requests for Alectra’s four rate zones and the ICM proposals referred to above, and a suggestion that the application raises questions concerning Alectra’s corporate costs and the “allocation of those costs among ratepayers.” With respect, these justifications do not warrant an oral hearing.

While correct that Alectra has filed for new distribution rates effective January 1, 2018 for each of its rate zones and that this has added to the size of the application (i.e., more pages), the nature of the request in each case is straightforward and well-understood by the Board and parties. Specifically, each rate request has been made pursuant to an established, Board-approved, rate making framework. For the Brampton, Enersource and PowerStream rates zones, this means the Board’s price cap framework. For Horizon, it is a custom framework approved by the Board in December 2014 (EB-2014-0002). The formulaic nature of these frameworks is consistent with a written hearing. Respectfully, this fact is recognized in the passage of the Letter of Direction and Notice of Application set out above.

Finally, as to BOMA's reference to Alectra's corporate costs or how those are allocated among ratepayers, these issues have no relevance to the application given the applicable rate making frameworks and do not warrant an oral hearing.

Yours truly,



Crawford Smith

cc: Indy Butany-DeSouza, Alectra Utilities
Charles Keizer, Torys LLP