



May 26, 2009

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

Dear Ms. Walli:

Re: 2009 Electricity Distribution Rates: EnWin Utilities Ltd.
Response to EnWin's Cost Claim Objection
Board File No. EB-2008-0227

I am writing in response to the letter dated May 15, 2009 from EnWin Utilities Ltd. (EWU) in which EWU objects to intervenors' cost claims.

EWU objects to the total cost of the interventions. It takes no specific issue with AMPCO's cost claim. EWU proposes a total cost award of approximately \$35,327. It takes no position on the allocation of that sum among the four intervenors.

I have reviewed the submissions filed by Consumers Council of Canada (CCC) and Vulnerable Energy Consumers Coalition (VECC) on May 25, 2009. AMPCO supports CCC's submission that EWU's analysis and argument is flawed and unfair and VECC's submission that there is necessarily no direct correlation between the size of a utility and the complexity of a rate application. AMPCO joins CCC and VECC in urging the Board to reject EWU's objection.

In AMPCO's experience, a minimum amount of effort is required to review any cost of service application, regardless of the size of the utility. EWU's complaint that the cost per customer is high points to a classic diseconomy of scale for customers of relatively small utilities. EWU's submission, and the table attached to the Board's Procedural Order No. 1, illustrates clearly the economies that can be achieved with scale. A distributor who eschews such scale economies should not point the finger of blame at those groups, whose mission it is to protect the interests of its customers. Among all the costs borne by EWU's customers, the costs of intervenor participation cannot be considered a significant burden to customers, particularly, as EWU itself acknowledges, "EWU made significant concessions" in the settlement process. EWU's submission makes no mention of what costs its customers would have had to bear had intervenors not achieved such an outcome. The implication that EWU voluntarily made concessions to mitigate rate impact, without reference to the role intervenors played in securing these concessions, is disingenuous to say the least.

EWU's recommendation that the cost award be limited would effectively preclude AMPCO's proper review of the application, preparation of interrogatories, participation in the issues day and settlement conference and

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preparation of final submissions in this proceeding. On the issue of the propriety of EWU's recommendation to do this on a post facto basis, we support the submissions of counsel for CCC.

AMPCO submits that it has participated responsibly in this proceeding and cooperated with other intervenors where appropriate in order to avoid duplication on submissions before the Board, and that AMPCO should recover 100% of its costs claimed in this proceeding.

Please do not hesitate to contact me if you have any questions or require further information.

Sincerely yours,

A handwritten signature in blue ink, appearing to read 'Adam White', with a stylized flourish extending to the right.

Adam White
Association of Major Power Consumers in Ontario

Copy to: Andrew Sasso
EnWin Utilities Ltd.