

June 19, 2009

Ms. Kirsten Walli
Ontario Energy Board
2300 Yonge Street
Suite 2700
Toronto, Ontario
M4P 1E4

Dear Ms. Walli:

Re: Board File EB-2009-0077

We are counsel to the Council of Canadians, and submit herewith its Application for a determination that it is eligible for costs in this proceeding.

Sincerely,



Steven Shrybman

SS:lr
cope 343

c.c. Ontario Power Authority
Attention: Miriam Heinz
(with original cost claim)

[Drive]\(ProfileGroup)\Letter to OEB Jan19-09.doc

ONTARIO ENERGY BOARD

IN THE MATTER OF Board File EB – 2009- 0077

APPLICATION FOR A DETERMINATION THAT THE COUNCIL OF CANADIANS IS ELIGIBLE FOR COSTS.

1. The Council of Canadians (the “Council”) herein applies for a determination that it is eligible to apply for a cost award.

Membership, Interest in the Proceeding and the Grounds for Intervention

2. The Council was founded in 1985 and incorporated as a federal not-for-profit organization on August 11, 1986. It has members in every province and territory – more than 26,000 reside in Ontario and many participate in the 17 local chapters of the Council active in Ontario.¹ The Council is primarily sustained by volunteer energy and financial contributions from its members.
3. The Council is an intervenor in the IPSP hearings, and has been actively engaged with initiatives leading to and following from the establishment of the Green Energy Act. Its primary concerns have to do with Canadian energy security and stewardship responsibilities for water and other natural resources. In this regard it is particularly concerned that policy and regulatory decisions concerning the electricity sector, including those relating to renewable energy, take into account Canada’s obligations under international trade law as these apply to Ontario’s energy sector.
4. In the free trade context the challenges of electricity system planning and regulation take on a new dimension. This requires planners and regulators to be informed of the constraints imposed by trade, services, investment and procurement agreements so that potential pitfalls can be avoided, and to preserve future policy and regulatory options. Of particular concern in this regard are the risks created by the energy and investment provisions of the North American Free Trade Agreement that, *inter alia*, impose ongoing energy export obligations notwithstanding supply shortfalls in Canada. Present plans to amend the distribution system code must in our view take this context into account.
5. For the forgoing reasons the Council primarily represents a public interest relevant to the Board’s mandate in this proceeding, but also represents the direct interests of its members

¹ Council Chapters are located in Brant-Haldimand-Norfolk, Brockville, Cambridge, Chatham-Kent, Grey-Bruce, Guelph, Hamilton, Kingston, London, Niagara Region, Northumberland County, Ottawa, Peel Region, Peterborough-Kawartha, Thunder Bay, Toronto and Windsor.

as consumers. For these reasons as well, the Council and its members have a substantial interest in these proceedings.

6. The Council has access to no other funding to support its participation in this proceeding or to pay the fees of the legal counsel it would retain to prepare submissions on its behalf, Mr. Steven Shrybman, who has been member of the Ontario bar since 1981.

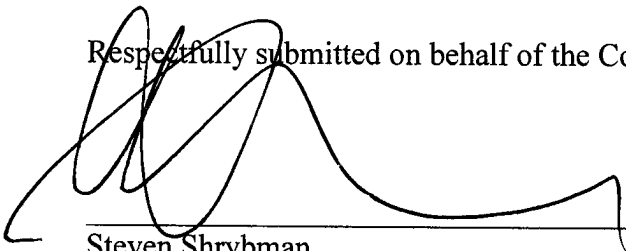
Contact Information

Steven Shrybman
SACK GOLDBLATT MITCHELL LLP

30 Metcalfe Street
Suite 500
Ottawa, Ontario
K1P 5L4

Tel: (613) 482-2456
Fax: (613) 235-3041
E-mail: stevenshrybman@sgmlaw.com

Respectfully submitted on behalf of the Council of Canadians, June 19, 2009

A large, stylized handwritten signature in black ink, appearing to be 'Steven Shrybman', written over a horizontal line.

Steven Shrybman
SACK GOLDBLATT MITCHELL, LLP

V:\Steven\application elect system.DOC