

Direct Dial: (416) 862-4843
File:

Sent by Courier and Electronic Mail

July 6, 2009

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

Attention: Ms. Kirsten Walli, Board Secretary

Dear Ms. Walli:

**Re: EB-2009-0166 – Union Gas 2010 DSM Plan
Intervention and Cost Eligibility Request on Behalf of the
Low-Income Energy Network (LIEN)**

Willms & Shier Environmental Lawyers LLP (W+SEL) is environmental legal counsel to the Low-Income Energy Network (LIEN).

REQUEST FOR INTERVENTION

In accordance with section 23 of the Ontario Energy Board ("Board") *Rules of Practice and Procedure*, we hereby request Intervenor status on behalf of LIEN in the above-noted proceeding.

INTEREST IN THE PROCEEDING AND REQUEST FOR INTERVENTION

LIEN is an organization of more than 75 member associations from across Ontario, including, energy, public health, legal, tenant/housing, education, social and community organizations. LIEN is directed by a Steering Committee. In addition to the LIEN Steering Committee, members and supporting organizations, over 35 individuals have indicated their support for LIEN.

As an umbrella organization, LIEN offers the opportunity for one entity to represent the similar interests of many organizations that have come together under LIEN. A detailed description of LIEN's organization can be found on its website (www.lowincomeenergy.ca). LIEN is a well recognized Intervenor in other Board proceedings, including those concerning the issue of Demand Side Management.



LIEN's "mission statement" is in itself a statement of LIEN's interest in this proceeding.

The Low-Income Energy Network:

- ♦ *aims to ensure universal access to adequate, affordable energy as a basic necessity, while minimizing the impacts on health and on the local and global environment of meeting the essential energy and conservation needs of all Ontarians, and*
- ♦ *promotes programs and policies which tackle the problems of energy poverty and homelessness, reduce Ontario's contribution to smog and climate change, and promote a healthy economy through the more efficient use of energy, a transition to renewable sources of energy, education and consumer protection.*

LIEN has a history of involvement in energy policy as detailed below. LIEN has a long-standing history in participating as an intervenor in numerous OEB Proceedings. For example, LIEN has actively participated and been found eligible for costs in the following OEB Proceedings:

- ♦ Demand Side Management (DSM) Guidelines for Natural Gas Distributors (EB-2008-0346)
- ♦ Consultation on Energy Issues Relating to Low Income Consumers (EB-2008-0150)
- ♦ Proceeding on commodity pricing, load balancing and cost allocation methodologies for natural gas distributors in relation to regulated gas supply (EB-2008-0106)
- ♦ Natural Gas Demand Side Management Generic Issues Proceeding (EB-2006-0021)

LIEN intends to participate actively and responsibly throughout the proceeding.

NATURE AND SCOPE OF INTERVENTION

Together with the interest of its numerous individual members and supporting organizations, LIEN has a clear interest in Demand Side Management for natural gas markets in Ontario.

In particular, LIEN was accepted as an intervenor in EB-2008-0346 regarding the Consultation on the Development of DSM Guidelines for Natural Gas Distributors, as well as the Natural Gas Demand Side Management Generic Issues Proceeding EB-2006-0021. LIEN is also a funded intervenor in EB-2008-0150 for the Consultation of Energy Issues Relating to Low Income Consumers. As such, LIEN has a substantial interest in the issues under EB-2009-0166, pursuant to Rule 23.02. LIEN's interest in this proceeding is to advance its views and protect its interests by bringing knowledge and experience to the making of better decisions.



GROUND'S FOR LIEN'S ELIGIBILITY FOR COSTS

LIEN intends to seek costs from the applicant in relation to its participation in this review. The Ontario Energy Board's "*Practice Direction on Cost Awards*". Section 3 describes cost eligibility, and Section 4 describes the cost eligibility process.

3.03 A party in a Board process is eligible to apply for a cost award where the party:

(a) primarily represents the direct interests of consumers (e.g. ratepayers) in relation regulated services; (b) primarily represents a public interest relevant to the Board's mandate; or (c) is a person with an interest in land that is affected by the process.

LIEN meets all three of the eligibility criteria, but as a public interest organization, its primary purpose - and its primary contribution to the stakeholder review process - is with respect to (b).

LIEN "primarily represents the direct interests of consumers in relation to regulated services". LIEN has been accepted as a party eligible for an award of costs in other proceedings before the Board (see above).

As a not-for profit organization, LIEN's participation in this proceeding is dependent on any cost awards it receives. LIEN intends to coordinate its efforts with other intervenors to avoid duplication where possible.

LIEN has retained Marion Fraser of Fraser & Company and Judy Simon of Indeco to provide consulting advice to LIEN and W+SEL in this proceeding.

LIEN respectfully requests a determination by the Board that it is eligible for an award of costs in this proceeding.

CONTACT INFORMATION

LIEN requests that copies of written materials in electronic or other format concerning this proceeding, be sent to:

Willms & Shier Environmental Lawyers LLP
4 King Street West, Suite 900
Toronto, ON, M5H 1B6

Attention: Mr. Paul Manning, Partner
Tel.: (416) 862-4843
Fax: (416) 863-1938
Email: pmanning@willmsshier.com



Attention: Ms. Tracy Richards, Law Clerk
Tel.: (416) 862-4831
Email: trichards@willmsshier.com

And to:

IndEco
Suite 412
77 Mowat Avenue
Toronto, Ontario,
Canada M6K 3E3

Attention: Ms. Judy Simon, Vice-President
Tel: 416 532-4333 ext. 357
Email: jsimon@indeco.com

And to:

Fraser & Company
502 - 33 Harbour Square
Toronto, Ontario, M5J 2G2

Attention: Ms. Marion Fraser
Tel.: 416 941-9729
Email: marion.fraser@rogers.com

Yours truly,

Paul Manning

cc: LIEN

Document #: 250386