

September 30, 2009

Kirsten Walli, Board Secretary
ONTARIO ENERGY BOARD
2300 Yonge Street, 27th Floor
Toronto, ON M4P 1E5

Dear Ms. Walli:

Re: EB-2009-0096: Hydro One Networks Inc. (HONI) 2010/2011 distribution rates.

Electrical Contractors Association of Ontario (ECAO) Request for Late Intervention.

We write as legal counsel to ECAO.

Application for Late Intervention.

On September 25, 2009 the Board issued an *Issues List Decision and Procedural Order No. 2* herein. In that decision the Board indicated its intention to proceed with review of the *Green Energy Plan* prefiled by HONI. One of the issues approved by the Board for this proceeding is issue 9.5 of the Final Issues List, which issue 9.5 reads as follows:

What is the Board's role with regard to the approval of the Green Energy Plans? What criteria should the Board use when determining whether to approve the Green Energy Plan? If the Board approves the plan, what are the impacts of that approval?

The Board in the *Issues List Decision* also expressed the view that an individual review of this "real world" Green Energy Plan will benefit all parties.

As further described below, ECAO has an interest in the approach to be taken in evaluation and execution of Green Energy Plans by Ontario's electricity distributors. ECAO thus respectfully requests that it be granted late intervention in this proceeding, for the purposes of participating in the Board's review of Hydro One's *Green Energy Plan* and in the discussion of the Green Energy Plan review framework to the extent included in the Board's approved issues list.

ECAO undertakes to accept the record herein as it currently stands, subject to its further development through discovery and hearing as the matter proceeds.

Description of Intervenor.

ECAO is a not-for-profit corporation established to represent electrical contractors across Ontario. ECAO's 850 member contractors provide a broad range of electrical services in the institutional, commercial, industrial, residential and electrical utility construction and maintenance marketplace. The services provided include: the planning, siting, construction and maintenance of power lines, poles and transformers; the construction and maintenance of substations; the construction and maintenance of power generation equipment and facilities (powerhouses and all related inside and interconnection wiring); and the construction and maintenance of interconnection facilities.

ECAO members have a direct and significant interest in the electrical services, construction and maintenance businesses housed within, or affiliated with, regulated electrical transmission and distribution utilities, and the appropriate regulation of such utilities vis-à-vis such competitive businesses. ECAO also have a direct interest in the regulation of standards in respect of electrical transmission, distribution and related interconnection facilities.

Impact of the Applications on the Intervenors.

ECAO believes that its members, Ontario qualified electrical contractors, can play an important role in executing, in a prudent and cost effective fashion, on the green energy vision reflected in Ontario's electricity policy. Qualified independent electrical contractors provide cost effective resources for timely and prudent distribution and transmission system build out.

In this application the Board has determined that it will entertain review of the first, and a major, Green Energy Plan to be brought before it. ECAO has an interest in the criteria to be applied by the Board in considering the reasonableness, from resourcing and cost effectiveness perspectives, of Hydro One's *Green Energy Plan*, and of distributors' Green Energy Plans going forward.

ECAO also has a general interest in the potential contribution to ongoing cost control of prudent contracting out of electrical construction and maintenance work.

Costs.

ECAO hereby applies for determination of its eligibility to recover its reasonably incurred costs for intervention in this proceeding.

ECAO does not primarily represent the direct interests of consumers in relation to regulated services or a public interest entity *per se*. Rather ECAO represents the interests of the electrical contracting industry at large, and electrical contractors active in Hydro One's distribution franchise area in particular, in a robustly competitive energy services marketplace, including a properly competitive electrical contracting marketplace. ECAO's members constitute a distinct stakeholder group with a direct interest in execution of the province's green energy policy, and the execution by Ontario electricity distributors, as overseen by this Board, of their mandated Green Energy Plans in particular.

ECAO believes that proper tendering for grid redevelopment work will lead to efficient investment, electrical services costs that are lower than they otherwise would be, timely implementation, and high standards of electrical contracting services and thus a reliable electricity system. These outcomes - investment efficiency, downward pressures on costs, timely development and high standards and resulting reliability - are in the public interest.

There are no other parties appearing before the Board that provide direct insight or understanding in respect of the ability, and availability, of Ontario's electrical contracting industry to participate in, and support, execution by this Board, and the utilities that it regulates, of the province's green energy policies. It is submitted that it is in the public interest that ECAO be represented in these proceedings, and provide the Board with the perspectives and insights that its constituency and mandate bring. ECAO respectfully submits that its eligibility for cost recovery for responsible participation in this proceeding will facilitate the Board's consideration of these public interest issues.

ECAO notes that it has been found eligible by the Board for recovery of its reasonably incurred intervention costs in the past.

Communications.

ECAO requests that copies of written evidence and all circulated correspondence related to this matter be directed to it as follows:

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Intervenors of Record

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