

# Sack Goldblatt Mitchell LLP *Lawyers*

20 Dundas St. W., Suite 1100, P.O. Box 180 Toronto ON M5G 2G8  
T 416.977.6070 F 416.591.7333 www.sgmlaw.com

L. A. Richmond  
Direct Line: 416-979-6407  
lrichmond@sgmlaw.com  
Our File No. 09-1445

October 8, 2009

**Via Courier**

**Via E-mail (boardsec@oeb.gov.on.ca)**

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

Dear Ms. Walli:

**Re: Intervention of the Canadian Union of Public Employees, Local One, Board File  
EB-2009-0139 Application by Toronto Hydro-Electric System Limited for an  
electricity distribution rate change**

We are counsel for the Canadian Union of Public Employees, Local One, (“CUPE One” or “the Union”). This is the Union’s request to the Ontario Energy Board (OEB) for Intervenor status in EB-2009-0139.

**The intervenor**

The Union is a “Trade Union” within the meaning of the Labour Relations Act, 1995, and is the sole bargaining agent for approximately 1200 inside and outside employees of Toronto Hydro-Electric System Limited (“THESL”).

**The interest of the intervenor and grounds for the intervention**

The Union and its members have unparalleled knowledge in respect of the factual context giving rise to the present Application. Furthermore, as the sole bargaining agent for the above-noted employees, the Union has a substantial interest in the financial health of THESL and, in light of its representative responsibilities, CUPE One is committed to participating in regulatory processes that have direct bearing on the safe and efficient distribution and marketing of electricity to consumers in the Greater Toronto Area.



JUST RESULTS

### **Scope of intended participation**

The Union intends to intervene on the issue of the proposal for changes to rates put forward by THESL to the extent that the outcome of the Application may have material implications for CUPE One members. The Union intends to participate in this proceeding by, if necessary: submitting information requests; participating in pre-hearing and/or settlement conferences; cross-examining witnesses in any oral hearing that is scheduled; and, making submissions in final argument to the Board.

### **Request on costs**

The Union requests that the Board find it eligible to receive a costs award and intends to seek costs on the basis that its contribution is invaluable both to the proceeding and to the greater public interest, and on the basis that its members' fundamental interests as trade union members employed by the Applicant will be directly impacted by the Board's ultimate decision.

### **The hearing**

The Union has a preference that an oral hearing be held in this matter and does not intend to participate in the hearing using the French language.

### **The Union's representatives**

We ask that you provide the Union's representatives, listed below, with copies of all materials filed in this proceeding.

Mr. L.A. Richmond  
Sack Goldblatt Mitchell LLP  
20 Dundas Street West, Suite 1100  
Toronto ON M5G 2G8

Tel: 416.977.6407  
Fax: 416.591.7333  
Email: lrichmond@sgmlaw.com

Mr. V. Demelo  
President, CUPE Local One  
890 Yonge Street, Suite 1001  
Toronto, ON  
M4W 3P4

Tel: 416-968-2549  
Fax: 416-968-6836

The Union requests one hard copy of the pre-filed evidence, to be delivered to counsel. In addition, the Union requests an electronic copy of the pre-filed evidence, as well as any subsequent updates, to be delivered to counsel at the above-noted email address.

**The Union's delay**


We apologize that this intervention letter request will be received after the 10 day period set out in the Notice of Application and Hearing, however, prior to this week our client was unaware that the Notice had been issued by the Board in respect of this matter. Despite its substantial interest in this proceeding, the Union was not been copied on any of the Applicant's filings until approximately October 2, 2009. Nor did the Union receive a copy of the Board's Notice of Application and Hearing.

The Union's delay is solely attributable to inadvertence arising from the above-noted lack of procedural information. Our client's delay is not substantial. Nor does it result in any prejudice to the Applicant. Given the relevance of the Application to the Union and its members, the Union's expertise and its ability to contribute in a manner likely to significantly assist the Board's decision-making process, we ask that the Board exercise its discretion to extend the 10 day period on its own motion, pursuant to Rule 7.01. Should the Board refuse to accept the Union's request for intervenor status, we intend to file a notice of motion for late intervention pursuant to Rule 23.05.

The Union requests the Board's direction as to whether this notice of intervention should be served on any other parties.

We look forward to the Board's response.

Sincerely,

per: 

L. A. Richmond

c.c. Mr. V. Demelo  
Toronto Hydro-Electric System Ltd. (via E-mail [regulatoryaffairs@torontohydro.com](mailto:regulatoryaffairs@torontohydro.com))  
Mr. J. Mark Rodger (via Facsimile (416) 367-7088)