



**PUBLIC INTEREST ADVOCACY CENTRE**  
**LE CENTRE POUR LA DEFENSE DE L'INTERET PUBLIC**

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Michael Buonaguro  
Counsel for VECC  
(416) 767-1666

December 3, 2009

**VIA MAIL and E-MAIL**

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

Dear Ms. Walli:

**Re: Vulnerable Energy Consumers Coalition (VECC)  
Notice of Intervention and Request for Expansion of Issues Eligible for  
Cost Awards: EB-2009-0250  
ENWIN Utilities Ltd. – 2010 Electricity Distribution Rate Application**

Please find enclosed the Notice of Intervention of the Vulnerable Energy Consumers Coalition (VECC) in the above-noted proceeding. The Board should note that VECC is also requesting an expansion of the issues eligible for cost awards, specifically the issue of Enwin's compliance with s. 8.1 of the Settlement Agreement accepted by the board in EB-2008-0227.

Thank you.

Yours truly,

Michael Buonaguro  
Counsel for VECC

cc: ENWIN Utilities Ltd.

**ONTARIO ENERGY BOARD**

**IN THE MATTER OF the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, Sch.B, as amended;**

**AND IN THE MATTER OF an Application by ENWIN Utilities Ltd. pursuant to section 78 of the *Ontario Energy Board Act* for an Order or Orders approving just and reasonable rates for the delivery and distribution of electricity.**

**NOTICE OF INTERVENTION**

**OF**

**VULNERABLE ENERGY CONSUMERS COALITION (VECC)**

To: Ms. Kirsten Walli  
Board Secretary

And to: ENWIN Utilities Ltd.

1. The Vulnerable Energy Consumers Coalition (VECC) hereby expresses its intention to intervene and participate in the above-mentioned proceeding. VECC consists of the following organizations:
  - (a) The Federation of Metro Tenants Association
  - (b) The Ontario Coalition of Senior Citizens' Organizations (OCSCO)

2. The Federation of the Metro Tenants Association is a non-profit corporation composed of over ninety-two affiliated tenants associations, individual tenants, housing organizations, and members of non-profit housing co-ops. In addition to encouraging the organization of tenants and the promotion of decent and affordable housing, the Federation provides general information, advice, and assistance to tenants. The address is:

500-27 Carlton Street  
Toronto, ON  
M5B 1L2

3. The Ontario Coalition of Senior Citizens' Organizations (OCSCO) is a coalition of over 120 senior groups as well as individual members across Ontario. OCSCO represents the concerns of over 500,000 senior citizens through its group and individual members. OCSCO's mission is to improve the quality of life for Ontario's seniors. OCSCO's address is:

660 Briar Hill Avenue, Suite 207  
Toronto, ON  
M6B 4B7

4. The name and address of the agent authorized to receive documents on behalf of VECC is:

Mr. Michael Buonaguro  
Counsel  
c/o Public Interest Advocacy Centre  
34 King Street East, Suite 1102  
Toronto, Ontario  
M5C 2X8  
(416) 767-1666 (office)  
(416) 348-0641 (fax)

mbuonaguro@piac.ca

5. VECC would request that all correspondence and documentation also be copied to VECC's consultant:

Mr. Roger Higgin  
Econalysis Consulting Services  
34 King Street East, Suite 1102  
Toronto, Ontario  
M5C 2X8  
(416) 348-9391 (office)  
(416) 348-0641 (fax)  
rhiggin@econalysis.ca

6. VECC has accessed copies of the Application materials currently posted on the Board's web-site. It requests that copies of any additional supporting materials be forwarded to each of the parties named above.
7. VECC is intervening in order to ensure that consumer interests and in particular the interests of the low-income and vulnerable users of electricity are fully represented in the determination of just and reasonable rates for 2010. In this regard VECC intends to focus on ENWIN Utilities' request for LRAM/SSM recovery. Issues include whether the request itself is just and reasonable and whether the appropriate savings estimates have been included in the supporting calculations. VECC also intends to assess whether or not ENWIN Utilities has adhered to the terms of the EB-2008-0227 Settlement Agreement, as approved by the Board.

8. VECC agrees with the Board's proposal to proceed by way of a written hearing at this time. However, it reserves the right to address the issue in future should circumstances change.
  
9. With respect to cost awards, the Notice of Application indicated that the Board may order costs in the proceeding only in relation to ENWIN's proposal for a revenue to cost ratio adjustment and a Lost Revenue Adjustment Mechanism (LRAM) Recovery/Shared Savings Mechanism (SSM) Recovery. VECC will be requesting an award of costs for its participation in this proceeding related to both of these issues and believes that, as a coalition representing the direct interests of consumers, it meets the eligibility criteria set out in the Ontario Energy Board's Rules of Practice and Procedure (Section 41) and its' Practice Direction on Cost Awards (Section 3.03).
  
10. However, after reviewing the Application, it is VECC's view that there is some question as to whether or not ENWIN has adhered to the EB-2008-0227 Settlement Agreement approved by the Board, particularly in regard to the determination of the Residential Service Charge. VECC requests that the Board also consider ordering costs in regards to issues related to whether or not ENWIN Utilities has adhered to the terms of the EB-2008-0227 Settlement Agreement.

DATED AT TORONTO, THIS 3<sup>rd</sup> DAY OF DECEMBER 2009

Michael Buonaguro  
Counsel for VECC  
c/o Public Interest Advocacy Centre