

Direct Dial: (416) 862-4843  
File: 5356

Sent by Courier and Electronic Mail

April 8, 2010

Ontario Energy Board  
P.O. Box. 2319  
Yonge Street, 27<sup>th</sup> Floor  
Toronto, ON M4P 1E4

Attention: Ms. Kirsten Walli, Board Secretary

Dear Ms. Walli:

**Re: Intervenor Status and Cost Eligibility Request on Behalf of the  
Ontario Sustainable Energy Association (OSEA)  
Board File No. EB-2008-0346 – Review of Demand Side Management  
Framework for Natural Gas Distributors**

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We are writing this letter to seek intervenor status and cost award eligibility in this proceeding on behalf of the Ontario Sustainable Energy Association OSEA.

**Request for Intervenor Status**

OSEA seeks intervenor status for the following reasons:

- I. It is a province-wide, non-profit organization representing more than 1500 members including individuals and non-profit/community organizations that advocate for a variety of interest groups such as ratepayers, co-operative organizations, farmers, First Nations and municipalities. A list of its members can be found at: <http://www.ontario-sea.org>;
- II. Membership is centered on the vision that every Ontarian is a conserver and generator of sustainable energy either through a household or through a local community owned business, contributing to the transition to 100% sustainable energy.
- III. OSEA's mandate includes the promotion of conservation and demand management at the individual and business level.
- IV. As a founding member of the Green Energy Act Alliance that helped to shape Ontario's *Green Energy and Green Economy Act*, OSEA has already played a key



role in assisting Ontario to make the transition to a more sustainable energy future.

- V. OSEA's primary concern, in this proceeding, is to ensure that there is a level playing field among all energy sources and that energy sources should be assessed based on the full range of environmental and economic costs and benefits.
- VI. OSEA wishes to actively participate as it has done in other relevant proceedings and intends to provide a valuable and meaningful contribution to the Board's assessment of a Demand Side Management Framework for natural gas distributors.

OSEA seeks funding for the participation of its counsel and expert advisors (Ms. Judy Simon, IndEco Strategic Consulting and Marion Fraser, Fraser & Company). Copies of our CVs are attached to this submission.

OSEA requests that it be determined eligible for a cost award on the following grounds:

- I. OSEA represents "consumers as conservers";
- II. OSEA is a not for profit organization that is committed to representing the public interest on energy policy matters that contribute or impede sustainable development for Ontario;
- III. OSEA does not have funds of its own to allocate towards its meaningful participation in this matter.

If OSEA is awarded intervenor status and the cost award requested herein, OSEA intends to participate in the Stakeholder Meeting on April 29, 2010.

OSEA requests that further communications with respect to this matter be sent to the following parties:

Cherie Brant  
Willms & Shier  
Environmental Lawyers LLP  
4 King Street West, Suite 900  
Toronto, ON,  
M5H1B6  
(416) 862-4829  
[cbrant@willmsshier.com](mailto:cbrant@willmsshier.com)

Judy Simon  
IndEco Strategic Consulting  
412 Mowat Avenue  
Toronto, ON  
M6K 3E3  
(416) 532-4333  
[jsimon@indeco.com](mailto:jsimon@indeco.com)

Marion Fraser  
Fraser & Company  
502 – 33 Harbour Square  
Toronto, ON,  
M5J 2G2  
(416) 941-9729  
[Marion.fraser@rogers.com](mailto:Marion.fraser@rogers.com)



Yours truly,

*Original signed*

Cherie L. Brant  
Enclosures

cc: Mr. Kristopher Stevens, Executive Director, OSEA

Document #: 313044

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## **Marion Elizabeth Fraser**

### **OVERVIEW**

With 30 years of experience in the Ontario energy sector, Marion has worked for and consulted with a wide range of energy companies, associations and energy consumers. She understands the Ontario energy sector, its recent evolution and future challenges. She has earned a reputation as a leader in the sector with a strong record of participation on boards and committees at the national, provincial and municipal level.

Marion is considered one of the foremost practitioners of sustainable energy policy and programs in Ontario. With 30 years of experience in the energy sector, she pioneered conservation programs at Ontario Hydro contributing to saving over 1200 MW of electricity from 1989 to 1993. She applied this experience to an active consulting practice until she was recruited to head Enbridge Gas Distribution's conservation efforts where she spearheaded programs saving customers \$700 million over three years and delivering a shareholder incentive of \$13 million under an innovative regulatory framework which she helped establish. When the McGuinty government was elected in 2003, although she had not been active politically, it hired Marion to ensure that sustainability was a key element in energy policy.

Marion is a visionary leader who has had great success in building results oriented teams as well as innovative partnerships across multiple organizations engaging people in private and public sector organizations as well as non governmental agencies.

### **EDUCATION**

1975	Master of Public Administration, Queen's University at Kingston
1974	Bachelor of Arts (Hon), Canadian Studies, Glendon College, York University

### **PROFESSIONAL EXPERIENCE**

From 2008	Fraser & Company	President
2003 – 2008	Office Of The Minister Of Energy	Senior Policy Advisor
2002 – 2003	Fraser & Company	President
1998 – 2002	Enbridge Gas Distribution	Marketing Director
1993 – 1998	Fraser & Company (SRC Canada)	President
1993 – 1993	Ontario Hydro International	Marketing Associate
1992 – 1993	Ontario Hydro	Manager, Energy Management
1987 – 1992	Ontario Hydro	Manager, Commercial Sector
1984 – 1987	Ontario Hydro	Manager, Marketing Services
1981 – 1983	Ontario Hydro	Senior Analyst
1979 – 1981	Generation & Transmission	Business Analyst
1975 – 1979	Ministry Of Treasury And Economics	Economist

## MEMBERSHIPS<sup>1</sup>

From 2008	Member Ontario Environmental Industry Association
From 2008	Advisory Board to publication Energy Procurement and Conservation
From 2008	Board of Directors, GTA Chapter, Green Building Council
From 2008	Member, Grants Committee, Toronto Atmospheric Fund
2007 – 2008	Chair, Steering Committee for Canada Green Building Council's Summit
2003–2004	Founding Chair, Sustainable Buildings Canada
2001–2004	Board of Directors, York Condominium Corporation #288
1999–2004	Board of Directors, Toronto Atmospheric Fund; Treasurer
2002–2004	Past Chair, Canadian Energy Efficiency Alliance
1999–2002	Chair, Canadian Energy Efficiency Alliance
1998–2001	Board of Directors, Association of Energy Services Professionals (USA)
1998–2000	Vice-Chair, Association of Energy Engineers, Southern Ontario,
1994–1998	Board of Directors, Independent Power Producers Society of Ontario
1988–1994	Board of Directors, Canadian Association of Energy Service Companies
1993–1995	Board of Directors, ENCON Inc., Hopkinton, MA, USA
1990–1992	Board of Directors, Demand Side Management Training Institute (USA)
1990–1991	Royal Society of Canada, Committee on Greenhouse Gas Emission Reductions
1988–1990	Special Advisory Committee on the Environment, City of Toronto

## PROFESSIONAL EXPERIENCE

**FROM 2008 FRASER & COMPANY**

**PRESIDENT**

Re-established private consulting practice in January 2008:

- Content consultant to the Green Energy Act Alliance
- Assisted newly created Board of Directors to develop its vision for an energy management business.
- Provided Market Development Services to the Canada Green Building Council to recruit participants in its pilot programs in three major building sectors.
- Provided assistance to Green Energy Coalition during its development of evidence in for the Ontario Energy Board's review of the Ontario Power Authority's Integrated Power System Plan.
- Provided assistance to the First Nations Energy Alliance with respect to various Ontario Energy Board review processes.
- Developed and delivered marketing and promotional plans and programs for a local electric distribution utility.

**2003 - 2008 OFFICE OF THE MINISTER OF ENERGY**

**SENIOR POLICY ADVISOR**

Invited by the then newly elected provincial government to advise the Minister of Energy on how to rebuild Ontario's energy sector using principles of sustainability.

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<sup>1</sup> Upon accepting the Senior Policy Advisor position in the Office of the Minister of Energy, it was necessary to resign from energy related volunteer positions.

Championed the development of a standard offer for renewable energy which was lauded by Dr. David Suzuki as a program that will “revolutionize the market for clean renewable energy in North America and lay the groundwork for a healthier and brighter future”.

- Established the Conservation Action Team, a committee of twelve parliamentary assistants to raise the profile of conservation within the government and plan the conservation framework for Ontario.
- Drove the creation of Ontario's Conservation Bureau and the establishment of the Office of the Chief Energy Conservation Officer.
- Assisted in helping Toronto become the location for the World Green Building Council Secretariat.
- Crafted the overall plan for smart metering in Ontario's energy sector.

**2002 – 2003 FRASER & COMPANY**

**PRESIDENT**

Re-established private consulting practice in September 2002:

- Conducted a scan of the potential for demand response and demand management among the City of Toronto's major commercial properties.
- Developed policy papers for the Canadian Energy Efficiency Alliance to support submissions to the Ministry of Energy on the review of the Ontario Energy Board.
- Reported on best practices in DSM for a major gas utility.
- Developed an integrated energy efficiency strategy for the Ontario government.
- Organized and facilitated two summits on DSM in Ontario.
- Completed a benchmarking study on DSM for Hydro Quebec.

**1998 – 2002 ENBRIDGE GAS DISTRIBUTION**

**MARKETING DIRECTOR**

Responsible for energy efficiency programs, which contributed to the company winning the *Financial Times Global Energy Award* in 2001 and resulted in shareholder incentives of over \$13 million for three years.

Redeveloped the utility's web site, led the Customer Relationship Management System project, and a customer data warehouse project. Managed market research and customer satisfaction research functions.

**1993 – 1998 FRASER & COMPANY (SRC CANADA)**

**PRESIDENT**

Responsible for setting up the Canadian subsidiary of a U.S. consulting firm, purchased the subsidiary in 1996, and changed its operating name to Fraser & Company. Projects completed:

- **Ontario Ministry of Energy:** international electricity restructuring processes
- **Metropolitan Toronto Housing Authority:** Optimum utility management plan including pre-qualifying energy management firms for projects
- **Natural Resources Canada:** Requirements for new construction efficiency program

- **Japan Research Institute:** Overview of North American performance contracting industry and a detailed project case study
- **Nova Scotia Power Inc.:** First post privatization marketing plan and competitor analysis for energy services business plan
- **CIPEC:** Track record of energy performance contracting in the industrial market in North America
- **Technical University of Nova Scotia:** Training program on energy performance contracting
- **Canadian Industrial Innovation Centre:** Market assessment of energy services
- **Public Works/Government Services Canada:** Service delivery effectiveness study
- **Union/Centra Gas:** 1997 DSM Plan, new construction program, ESCO brokering
- **Consumers Gas:** ESCO brokering process for large industrial customers
- **Ontario Hydro:** Environmental mechanisms in restructured electricity markets
- **Ontario Hydro Technologies:** Market research to identify current issues and future trends; executive round table on new technologies; new product/service initiatives
- **Provident Energy Management:** Model energy performance contracts
- **CAESCO:** Executive Director, Canadian Association of Energy Service Companies
- **BC Hydro:** Alternatives for Power Smart, with special attention to ESCOs
- **BOMA Toronto:** Managing the Downtown Energy Forum without government financing
- **Ontario Energy Corporation:** Profitability study of the ESCO industry
- **Toronto Hydro:** Commercial cooling opportunities
- **Confidential Client:** Research on market potential for fuel cells

**1993 – 1993    ONTARIO HYDRO INTERNATIONAL**

**MARKETING ASSOCIATE**

Developed an international marketing plan for Ontario Hydro's energy management expertise, and coordinated overall marketing plan for OHI's other lines of business.

At the invitation of the US Department of Energy, delivered a workshop on the *Successful Marketing of DSM Programs* sponsored by Asian Pacific Economic Co-operative (APEC) in Seoul, Korea, and attended by utility executives from Pacific Rim countries.

**1992 – 1993    ONTARIO HYDRO**

**MANAGER, ENERGY MANAGEMENT**

Increased understanding of Ontario Hydro's energy management plans and programs among four critical audiences: senior business community, environmental groups, the international utility community, and Ontario Hydro's own management and staff. Led senior management workshops. Held senior executive meetings with associations and executives representing Ontario Hydro's 20 largest customers.

Managed the *First Annual International Conference on Energy Efficiency and DSM*.  
Delivered over 50 speeches and presentations to diverse audiences including the World Bank.

Initiated internal symposium, "Sharing Experiences" and series of staff workshops, "Food for Thought" to encourage cross-fertilization of ideas and approaches within Ontario Hydro, and to expose staff to alternative approaches on related topics.

Participated with a team of managers who developed Ontario Hydro's strategy - *Energy Management for the 1990's*

**1987 – 1992    ONTARIO HYDRO**

**MANAGER, COMMERCIAL SECTOR**

Managed the growth of a department from 15 to 75 with budgetary responsibility for \$6 million in operations and \$20 million in capital. Achieved high ratings in staff review of managerial capabilities. Exceeded targets for energy conservation.

Broke corporate ground developing Ontario Hydro's first demand side management programs: *Energy Efficient Lighting, Savings by Design, Thermal Cool Storage and the Street Smart Lighting*.

Achieved high penetration rates, and in the words of a leading engineering design specialist, "transformed" the market in Ontario including helping the government introduce energy efficiency in the commercial building code.

Created the *Guaranteed Energy Performance Program*, which targeted energy service companies resulting in increased penetration of energy performance contracting in Ontario.

**1984 – 1987    ONTARIO HYDRO**

**MANAGER, MARKETING SERVICES**

Established corporate process for the design and delivery of marketing programs. Managed market research function and established marketing library to assist in the transformation of technical specialists to marketing generalists.

Developed marketing oriented planning and budgeting for Marketing Operations Division. Completed commercial, residential, and industrial marketing plans. Managed trade show support unit including distribution of customer information, brochures, point of sale materials, and trade show equipment.

**1981 – 1983    ONTARIO HYDRO**

**SENIOR ANALYST**

Reporting to Executive Vice-President, Planning and Administration, part of a small team of professionals who developed and implemented the corporate management system, "*The Organization and Operation of Ontario Hydro*".

**1979 – 1981    GENERATION & TRANSMISSION**

**BUSINESS ANALYST**

Introduced staff planning for Hydraulic Generation and Transmission Division.

Served as Secretary to the Regional Operations Managers Committee, and provided assistance in development of management strategies for electrical product quality, corporate citizenship, product cost, staffing, and safety.



**1975 – 1979 MINISTRY OF TREASURY AND ECONOMICS**

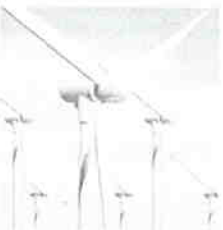
**ECONOMIST**

Responsible for policy analysis in areas such as labour force growth, industrial development, the automotive sector, and inter-provincial trade barriers.

Authored ministerial correspondence, policy papers, and briefing notes for Treasurer of Ontario; assisted in organizing Premier's forum, "*Partnership for Prosperity*".

**REGULATORY EXPERIENCE**

- Testified for 20 days over six week period at Environmental Assessment Board Hearings on *Hydro's Demand and Supply Plan*; Integrated Ontario Hydro's responses to over 2,000 interrogatories for EAB Hearing.
- Expert Witness for Union/Centra Gas on DSM (EBRO 493/494): Participated in Alternative Dispute Resolution Process, 1996.
- Expert witness on behalf of the Canadian Association of Energy Services Companies at Ontario Hydro Rate Hearing (HR 22), 1994.
- Case Manager for Canadian Association of Energy Services Companies for Ontario Energy Board review of Ontario Hydro, 1994.
- Witness for Ontario Hydro - Demand Side Management Panel, Environmental Assessment Board Hearings on Ontario Hydro's Demand/Supply Plan.
- Witness for Ontario Hydro, Ontario Energy Board (HR 20, HR 19, HR18).
- Witness for Enbridge Consumers Gas EBRO 497, EBO 179-14, EBO 179-15.



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## JUDY SIMON

### Vice President

*Judy Simon, Vice President, is an environmental scientist and strategic planner with over 25 years experience in energy and environmental issues, focusing on energy regulation, energy efficiency and conservation, water conservation, renewables, and climate change. Judy has extensive experience in both the public and private sector and has been a management consultant in the environmental field for 20 years.*

*Judy was a part-time Board member of the Ontario Energy Board between 1992 and 2002, giving her extensive knowledge and experience in the development and implementation of natural gas and electricity regulatory frameworks in Ontario. Judy was appointed as the Board's leading expert on DSM/CDM, and on environmental matters related to energy regulation, and served in that capacity for ten years.*

### EXPERTISE

- DSM/CDM, distributed energy, and renewable energy policy analysis, program development and implementation
- DSM/CDM program monitoring, verification, evaluation, and reporting
- Strategic planning
- Energy adjudication
- Electricity and natural gas markets and energy regulation in Ontario
- Municipal energy and environmental management

### EMPLOYMENT HISTORY

- Vice President, IndEco (1994 - present)
- President, Judy Simon + Associates (1989 – present)
- Part-time Board Member, Ontario Energy Board (1992- 2002)
- Manager, Technology Policy, Ontario Ministry of Industry, Trade and Technology (1987-1989)
- Manager, Environmental Assessment Branch, Ontario Ministry of Environment (MOE) (1982-1987)
- Environmental Planner, Environmental Assessment Branch, MOE (1981-1982)
- Energy Planner, Conservation and Renewable Energy Group, Ontario Ministry of Energy (1980-1981)



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- Energy Researcher, Algas Resources, Trans Canada Pipelines (1978)

#### *PROFESSIONAL QUALIFICATIONS*

Master of Environmental Design (Environmental Science), University of Calgary (1980)

Bachelor of Science, University Scholar, Great Distinction, McGill University (1977)

#### *APPEARANCES*

2008	Ontario Energy Board, on behalf of GLOBE regarding the OEB low income policy proceeding
2005	Ontario Energy Board, on behalf of Low-Income Energy Network regarding CDM policies and programs, regulated price plan and other matters
2004	Ontario Energy Board, on behalf of Milton Hydro regarding the approval of its 2005 CDM Plan
2004	Ontario Energy Board, on behalf of Brantford Power regarding the approval of its 2005 CDM Plan
2003	Ontario Energy Board, on behalf of Enbridge Gas Distribution Inc. regarding their DSM framework and incentive mechanisms
1985	Joint Board, Ontario Hydro Southwestern Ontario Transmission System Expansion Program. On behalf of the Ontario Ministry of the Environment regarding Ministry environmental policy and approvals

#### *ADVISORY COMMITTEES AND BOARDS*

April 2009 to present	Chairman, Board of Directors, Clean Air Partnership
April 2008 to present	Member, TAF Grants Committee
Jan. 2006 to present	Member, Board of Directors, Clean Air Partnership

Jan. 2005 to July 2006	Member, City of Toronto's Environment Roundtable
Oct. 2002 to March 2006	Member, Grants and Loans Committee, Toronto Atmospheric Fund
Apr. 1999 to 2002	Vice President, Environment, Provincial Council of Women
Dec. 1996 to Mar. 2008	President of the Board of Directors, Canadian Environmental Law Association (CELA)
Apr. 1994 to Mar. 2008	Member of the Board of Directors, CELA
May 1992 to May 2002	Part-time Board member of the Ontario Energy Board
Sept. 1990 – Dec. 2001	Member, Environmental Advisory Panel to the President, Ontario Hydro

## *AWARDS*

1981	Commendation from Mayor, City of Toronto, for work on Toronto Recycling Action Committee
1997-1980	Natural Sciences and Engineering Post-graduate Scholarship
1972-1977	McGill University Scholarship
1972 -1977	Steinberg Canada Scholarship

## *SELECTED PROJECTS*

### ***Energy policy and regulation***

- Canadian Gas Association. Preparation of research policy report on rate design options to address load reductions experienced by Canadian gas utilities. Project manager.
- Canadian Gas Association. Preparation of research policy report on declining average use in Canadian gas utilities and policy options to address this situation. Project manager.
- GLOBE/SHSC. Preparation of submissions to OEB on smart metering, smart sub-metering and other energy policy matters. Project manager.
- Northwatch. Provision of policy advice to Northwatch on IPSP matters related to renewables and transmission lines. Project manager.



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- LIEN. Preparation of submissions on Regulated Price Plan. Project manager.
- Various private sector renewables companies. Provision of advice and preparation of submissions on connection issues related to renewables and approvals related to transmission facilities. Project manager.
- Ontario Power Authority. Assisting the OPA to design and launch the \$400M program for LDC CDM including establishing the rules for funding, the application process and the contract elements, and development of program templates and detailed program designs for the OPA's Standard LDC programs (Programs in a Box). Work was completed in partnership with Navigant. Project manager.
- Conference Board of Canada. Author of discussion paper on successful natural gas regulatory DSM frameworks in Canada, published in November 2005.
- Canadian Energy Efficiency Alliance. Co-author of paper, "The Consumer Benefits of Interval Metering, with Marion Fraser, Fraser & Company.

#### ***Strategic/business planning***

- City of Toronto. Preparation of energy plan for City-owned facilities. Work is ongoing. Senior advisor.
- MaRS. Preparation of a program concept for energy training and awareness of facilities staff in the 20 buildings of the Toronto Discovery District and Toronto LIHN. Work is ongoing. Senior advisor.
- IESO. Preparation of profile of hospital and long term care sector and how they will cope with the switch from RPP to wholesale electricity market, including risk management and CDM/DSM strategies. Senior advisor.
- York Region. Preparation of energy management plan. With Direct Energy. Senior Advisor.
- Energy Efficiency Office, City of Toronto. Development of the Report on the Development of the Energy Plan for Toronto. Senior advisor.
- Conservation Bureau. Provision of business planning and strategic advice. This included guidance on the creation and implementation of internal policy and administrative structures, and the identification of staffing and budgeting requirements for



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the planning, coordination and reporting function. It also included completion of the LDC, government and other market player scorecard components of the Chief Energy Conservation Officer's 2006, 2007 and 2008 Annual Reports. Project manager.

- Guelph Hydro. Development of a CDM business plan using IndEco's strategic planning process to develop priorities for the plan, and strategies to realize the priorities. Project manager.
- Toronto Environmental Alliance. Development of low-income energy conservation and assistance strategy for Ontario. Funded by Toronto Environmental Alliance and Ministry of Energy. Project manager.
- Canadian Energy Efficiency Alliance. Preparation of strategy papers on CDM which were submitted to the OEB and to the Minister of Energy. Project manager. Served as DSM expert to Alliance's DSM policy committee.
- Toronto Hydro and Milton Hydro. Development of business case that helped both utilities to decide to go forward to develop a DSM plan for 2003. Project manager.
- Energy Efficiency Office, City of Toronto. Senior policy advisor on the identification and evaluation of opportunities for strengthening partnerships with Toronto Hydro through joint work on DSM.
- Energy Efficiency Office, City of Toronto. Senior policy advisor on the development of a Sustainable Energy Business Plan for the Energy Efficiency Office for 2002.
- City of Toronto. Development of the City of Toronto's Implementation Plan for the Environmental Plan. Project manager.
- Brewers of Ontario. Development and implementation of a business strategy for enhancement and recognition of environmental performance in packaging. Project manager.
- Brewers of Ontario. Development of environmental strategy including opportunities to reduce energy use and emissions in new facilities and vehicles. Project manager.

#### ***Energy planning, program development and implementation***

- MaRS. Preparation of an Energy Plan for 20 buildings in the MaRS Discovery District as sub-consultant to Finn Projects. Senior advisor and account executive.



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- Barrie Hydro. Delivery of 2008 ERIP program and delivery of marketing and promotion for Great Refrigerator Roundup, peaksaver, Summer Sweepstakes programs. Work is ongoing. Account Executive.
- Hydro One. Delivery of Power Savings Blitz in 2008. Account executive.
- Barrie Hydro. Delivery of Power Savings Blitz in 2008. Account executive.
- NEPA LDCs. Delivery of the 2007 ERIP program. Delivery exceeded the overall provincial targets for the entire program. Program manager.
- Peterborough Distribution Inc. Delivery of 2007 ERIP, and coordination of the delivery of Great Refrigerator Roundup, and Summer Savings and peaksaver. Account Executive.
- Toronto Atmospheric Fund. Development of a municipal lighting program design for Toronto Atmospheric Fund. Work involved review of energy forecasts and needs in the GTA, survey of existing municipal and LDC lighting programs in the GTA, evaluation of measures (including TRC calculations), and preparation of written descriptions. Project manager.
- Conservation Bureau. Development of low-income program options that led to the Minister's directive on low-income. Project manager.
- Burlington Hydro. Management of key aspects of the implementation of the 2005-2007 CDM plan including development of detailed program designs, implementation plans marketing and advertising programs for the utility's lighting retrofit programs for its general service customers, municipal customers, and for its residential new construction program. Project manager.
- Toronto Catholic District School Board. Design and implementation of the Energy Drill demand response pilot program in three boards and eight schools across the GTA. Program funded by the Ontario Power Authority and in partnership with the City of Toronto, Toronto Hydro, Milton Hydro, Toronto Catholic District School Board, Halton District School Board and the Halton Catholic District School Board. Senior advisor.
- Milton Hydro. Policy advisor on Milton Hydro CDM portfolio for 2005 and for 2006.

- Senior regulatory advisor on the development of post-third tranche 2006 CDM plans for Burlington Hydro and Milton Hydro.
- Brantford Power. Development of Conserving Homes program, the leading Canadian low-income CDM program. Project manager.
- Enbridge Gas Distribution. Advice on improvements to its DSM regulatory framework including budget and target setting, its incentive, stakeholder input, monitoring, evaluation and reporting with Navigant. Project manager.
- Toronto Hydro. Investigation of options for Toronto Hydro to reduce customer bills including an illustrative approach for 2003 to DSM with Fraser & Company. Project manager.
- City of Ottawa and Canadian Gas Association. Design and delivery of workshop to local builders, architects, engineers, utilities, energy managers and consultants on conservation and renewable energy opportunities in Ottawa to improve air quality and reduce GHGs. Project manager.
- City of Mississauga and Canadian Gas Association. Design and delivery of workshop to builders, architects, engineers, utilities, energy managers and consultants on conservation and renewable energy opportunities in Mississauga to improve air quality and reduce GHGs. Project manager.
- Canada Mortgage and Housing Corporation. Development and implementation of design charette for multi-residential and commercial buildings which became a key basis for CMHC to offer these charettes with Sustainable Buildings Canada across the country. Project manager.
- Ontario Energy Board. As Board member, a principal author of natural gas regulatory framework for DSM (E.B.O. 169-III); adjudicator in over 150 cases.

***Program/Portfolio evaluation, measurement and verification in CDM***

- Ontario Power Authority. Evaluation of the PowerStream and Veridian peaksaver Neighbour Referral Program. Work involved developing an Evaluation Plan for conducting process and impact evaluations and implementing the evaluation activities. Process and impacts evaluations being conducted include: a survey of program participants, non-participants and those referred and interviews with LDC program staff to evaluate the design of the program and why customers did or did not





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participate; analysis of the tracking sheets, and other process documents, to evaluate the processes employed by the LDCs; and calculating the cost per referral to the program including and excluding incentives. Account executive.

- York Region. Market assessment of market for toilet and washer rebate programs for residential, multi-residential and ICI markets, for commercial pre-rinse spray valve, for residential rain barrel giveaway, for ICI audit and water buy-back programs. Evaluations to be conducted in 2009 and updated annually in 2010 and 2011. Process and impact evaluations to be conducted annually on each of the above programs. Senior advisor and quality control officer.
- York Region. Process and impact evaluations for toilet and washer rebate programs for residential, multi-residential and ICI markets, for commercial pre-rinse spray valve, for residential rain barrel giveaway. Evaluations conducted in 2009 and updated annually in 2010 and 2011. Senior advisor and quality control officer.
- Canadian Electricity Association. Preparation of a report on the joint CEA-NRCan workshop on DSM/CDM monitoring and evaluation. Project manager.
- University Health Network. Design of the evaluation plan for the process program effectiveness and impact evaluations (energy and demand savings, gas savings, water and steam savings) for UHN's 3-year pilot (2007-09) for energy awareness and management program. The pilot includes social marketing, employee engagement, retro-commissioning and operator training and was expanded to include audits and retrofits in year 2. IndEco will design and conduct an annual impact and process evaluation. The impact evaluation is based on interval data and sub-metering at various locations. The process evaluation is based on focus groups, survey instruments and interviews. In the first year the evaluations will be done for Toronto Western Hospital, In the second and third years of this energy program the evaluations will be done annually in all 3 UHN hospitals – Toronto Western, Toronto General and Princess Margaret as the program is rolled out across UHN. Work is ongoing. Senior advisor.
- Enbridge Gas Distribution. Evaluation of Enbridge's evaluation framework for DSM and making recommendations on opportunities for streamlining evaluations and consultation processes. Project manager.



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- Toronto Catholic District School Board. The design and implementation of a process evaluation based on questionnaires for participants in the Energy Drill Schools program (teachers, principals, custodial staff) to establish a baseline for behavioural and attitudinal change related to energy awareness and post questionnaires to measure the attitudinal and behavioural change as a result of program implementation. Measurement focused on determining the achievement of seven key program messages. Senior advisor.
- Toronto Catholic District School Board. The design and implementation of an impact evaluation to measure peak and energy savings due to the demand response drills held in each of the eight participating schools based on real time data from the installed smart meters, and the evaluation of the achieved savings against the proposed program savings targets. Senior advisor.
- Burlington Hydro. Conduct of a process evaluation for the implementation of Burlington Hydro's lighting retrofit program for its greater than 50kW customers. An interim evaluation was conducted in mid 2005 which resulted in recommendations that were implemented regarding the incentive level offered. An evaluation of the success of the implementation of the program for 2005-06 involved an assessment of the effectiveness of the marketing and recruitment efforts related to channel partners and program participants. The evaluation included recommendations related to the measures to be included in the program for 2007 and an update of the measures based on the recommendations. Work on the success of the incentive level was also carried out. Project manager.
- Burlington Hydro. Prepared the CDM portfolio evaluation for Burlington Hydro's 2005 CDM portfolio and the regulatory approvals application to obtain post-third tranche 2006 CDM funding for new program initiatives. OEB application was successful. Worked on the evaluation of the 2006 CDM portfolio, including the TRC testing comparing actuals to forecast and a process evaluation of the programs and recommendations for the future. Project manager.
- Ontario Power Authority. With Navigant Consulting, provided advice on the design of the EM&V components of the program design for OPA's Electricity Retrofit Incentive Program and Small Commercial Direct Install Program, consistent with standard EM&V requirements being developed. Project manager.

- Ontario Power Authority. Work involved the development of a tracking system for the OPA to assist with planning, monitoring and evaluating their conservation programs. Project manager.
- Milton Hydro. Prepared the CDM portfolio evaluation for Milton Hydro's 2005 CDM portfolio and the regulatory approvals application to obtain post-third tranche 2006 CDM funding. The application was successful. Senior advisor.
- Burlington Hydro. Developed a monitoring and reporting tool for Burlington Hydro for each of their 2005-2007 CDM programs. This tool was developed to assist Burlington Hydro to track resources and savings from each of their programs and to assist in the preparation of quarterly and annual CDM reports to the OEB. Project manager.
- Canadian Gas Association. Work involved the preparation of a program evaluation on the success of the workshop programs conducted by various natural gas LDCs across Canada to increase awareness regarding conservation and renewables among building owners and managers, engineers and architects, and municipalities. The evaluation was based on questionnaires and personal interviews. Project manager.
- Milton Hydro. Design of pre-and post seminar questionnaires to evaluate the success of CDM awareness program involving a series of workshops for general service customers to increasing awareness and to recruit program participants for Milton Hydro's DR programs. Senior advisor.
- Clean Air Partnership. Preparation of the process evaluation report on the success of the workshop in delivering training on demand response and demand management based on the design and evaluation of pre-workshop and post-workshop questionnaires. Project manager.
- Enbridge Gas Distribution. With Navigant consulting, provided advice on improvements to Enbridge's DSM framework that included its monitoring and evaluation and audit protocols. Project manager.
- Ontario Energy Board. Adjudication of major OEB proceedings dealing with the establishment of the natural gas DSM regulatory framework, including EM&V requirements of the gas utilities, and the establishment of EM&V requirements for all natural gas pipeline and related facility approvals.



Judy Simon  
Vice President  
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### ***Energy best practices***

- Canadian Gas Association. Update of the best practices in DSM report. Work is ongoing. Project manager.
- Canadian Gas Association. Identification of best practices in DSM monitoring and evaluation carried out by natural gas utilities across Canada. Delivery of paper at AESP Conference in January 2009. Project manager.
- Electricity Distributors Association. Preparation and delivery presentation on CDM best practices in gas and electric LDCs to EDIST Conference with Enbridge Gas Distribution, winter 2006.
- Canadian Energy Efficiency Alliance. Senior advisor on Webinar on best practices with Enbridge Gas Distribution.
- Canadian Gas Association. Senior policy advisor on identification of natural gas DSM best practices among natural gas utilities across Canada with Bruce Vernon & Associates.
- Enbridge Gas Distribution. Identification of best practices regarding incentive mechanisms in North American Gas utilities with Navigant. Project manager.
- Enbridge Gas Distribution. Survey of natural gas DSM in North American jurisdictions with Navigant. Project manager.



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**PROFILE**

Cherie is an associate with Willms & Shier Environmental Lawyers LLP. Her practice is focused in Aboriginal, Renewable Energy (development) and Real Estate law (financing and commercial leasing).

Cherie acts for wind energy proponents on the development side. She has completed loans for renewable energy projects, both on the lender and borrower side, prepared leases/options and easements for development projects, including on "reserve lands" under the *Indian Act* (Canada). Her strength in Aboriginal consultation matters and commercial real estate in general makes Cherie able to provide effective advice to clients as projects move their way through the development process.

Representative matters include

- Counsel to Aboriginal non-profit company established to oversee a \$20M fund geared to provide housing loans/grants to Aboriginal individuals and organizations to facilitate home ownership and affordable housing procurement in the Greater Toronto Area
- Counsel to the First Nations Energy Alliance at the Ontario Energy Board, Integrated Power System Plan hearings. Successfully advocated for Aboriginal participation programs and other capacity building opportunities for Aboriginal communities within the energy sector
- Acted for a variety of purchasers and vendors on multiple property/building acquisitions of retail, commercial/industrial/office building portfolios ranging from \$5,000,000 to \$125,000,000
- Acted for a retirement housing development firm on a variety of land assembly projects in Southern Ontario
- Acted for renewable energy proponents and private investors/lenders on loans for renewable energy projects, corporate structures, completing leases/options and easements for development projects.

## **CREDENTIALS**

- ♦ Called to the Bar of Ontario, 2003
- ♦ Juris Doctor, University of Toronto, 2002
- ♦ Bachelor of Environmental Studies, Urban Regional Planning Program, University of Waterloo, 1998

## **ORGANIZATIONS**

- ♦ Law Society of Upper Canada, Retention of Women in Private Practice Working Group, Board Member, July 2009
- ♦ Aboriginal Advisory Member, Corporate Knights Magazine, Aboriginal Industrial Resolution Edition, Spring 2009
- ♦ Real Estate Law Section, Ontario Bar Association, Member since 2003
- ♦ Aboriginal Law Section, Ontario Bar Association, Member since 2004
- ♦ Natural Resources Law Section, Ontario Bar Association, Member since 2006
- ♦ Policy Working Group, Ontario Sustainable Energy Association, Member since 2008
- ♦ Toronto Energy Efficiency Action Committee since 2008
- ♦ *Green Energy Act* Alliance, Member since 2008

## **SPEAKING**

- ♦ First Nations and Métis Experience: Best Practices for Resolving Disputes, Moderator, Aboriginal Law Consultation & Accommodation, CI, Toronto, February 23-24, 2010
- ♦ Aboriginal Energy Forum, December 2009
- ♦ APPrO 2009, 21<sup>st</sup> Annual Canadian Power Conference, November 2009
- ♦ Women in Electricity, October 2009
- ♦ Corporate Social Responsibility and Aboriginal Relations Panel, Canadian Counsel for Aboriginal Business, 25<sup>th</sup> Anniversary Forum, Summer 2009
- ♦ Aboriginal Energy Projects, Association of Major Power Producers of Ontario, November 2008

- ♦ First Nations Renewable Energy Projects, 7<sup>th</sup> Annual World Wind Energy Association, June 2008

## **PRACTICE AREAS**

- ♦ Aboriginal Law
- ♦ Renewable Energy Law (Development)
- ♦ Real Estate Law (Financing and Commercial Leasing)

Document #: 271213