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May 3, 2010

Ontario Energy Board
P.O. Box 2319
2300 Yonge Street, Suite 2700
Toronto, ON M4P 1E4

Attention: Ms. Kirsten Walli, Board Secretary

Dear Ms. Walli:

**Re: Request for Eligibility for an Award of Costs
EB-2010-0059 Transmission Project Development Planning**

Willms & Shier Environmental Lawyers LLP is environmental legal counsel to Northwatch. Northwatch wishes to intervene in the above mentioned proceeding, and hereby applies for eligibility for costs in EB-2010-0059 in accordance with the Ontario Energy Board's *Practice Directions on Cost Awards*.

Northwatch has a history of involvement in energy policy as outlined below. Recently Northwatch has actively participated as intervenor and has been found eligible for an award of costs in the following OEB proceedings:

- ◆ The Integrated Power Supply Plan (IPSP) (EB-2007-0707).
- ◆ The Transmission Connection Cost Responsibility Review (EB-2008-0003).
- ◆ Proposed Amendments to the Distribution System Code (EB-2009-0077).
- ◆ The Regulatory Treatment of Infrastructure Investment for Ontario's Electricity Transmitters & Distribution (EB-2010-0059).

Northwatch's main objective is to represent the public interest with respect to environmental protection, social justice, and resource management matters in north-eastern Ontario. Its members are committed to promoting the health, well being and sustainability of the human and natural communities throughout the region.



Northwatch has made submissions on all of the above proceedings from the perspective of its north-eastern energy rate-payers and environmental/social interest groups. These perspectives are relevant in this proceeding.

Northwatch's contact is Ms. Brennain Lloyd, consultant for Northwatch. Ms. Lloyd's contact information is as follows:

Courier Address:

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c/o Ms. Brennain Lloyd
1450 Ski Club Road
North Bay, Ontario
P1B 8H2

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Mailing Address:

Northwatch
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Box 282
North Bay, Ontario
P1B 8H2

HOW NORTHWATCH IS OR MAY BE AFFECTED BY TRANSMISSION PLANNING

The residents and regions of northern Ontario will or may be affected by Transmission Project Development Planning.

Due to the location of proposed new renewable energy projects, a number of transmission projects have been identified for Northern Ontario. This will affect Northwatch's constituents in a number of ways: the environment will be affected as these projects are greenfield projects; Northern First Nations or community based businesses may wish to partner with or become transmitters; northern rate-payers could bear a portion of the costs of furthering the government's public policy goals.



NORTHWATCH AND ENERGY

Northwatch was founded in 1988 as a regional coalition of individuals and organizations concerned with the environmental and with social equity. Northwatch has a diverse membership which includes local and district-based environmental groups, cottagers associations, naturalist clubs, church-based Aboriginal support groups, women's organizations, and local peace groups.

Individual members include those who self-identify as professionals, trappers, tourist outfitters, paddlers, parents, educators, conservationists, hunters and fishers, and environmentalists. The common thread throughout Northwatch's membership is a deep commitment to the region of northeastern Ontario and to the health, well-being and sustainability of the human and natural communities throughout the region.

Northwatch's membership base and area of interest is the land mass north of the French River, comprised of the districts of Nipissing, Sudbury, Algoma, Manitoulin, Cochrane and Timiskaming, and including the land area north of the road system, generally known as the Hudson's Bay lowlands.

Northwatch is well respected for its policy and research work, public education programs, and its holistic approach to environmental and social planning and decision-making. Through a membership that is geographically dispersed throughout the region and through more than twenty years of work that is regionally based, Northwatch has an extensive knowledge of northeastern Ontario and the diverse and interconnecting issues of energy, natural resource and environmental management.

Northwatch was a full time intervener in the Environmental Assessment of Ontario Hydro's Demand Supply Plan, and intervened in Ontario Energy Board reviews HR-22 and HR-23 with respect to electricity matters. The Northwatch Intervention Coalition included both Northwatch member groups in northeastern Ontario and three community based organizations in northwestern Ontario and one provincial organization.

More recently, Northwatch responded to the Ontario Power Authority Invitation to Comment on Ontario's Electricity Supply Mix with a submission in August 2005, and has engaged with the Minister and Ministry of Energy with respect to various aspects of electricity supply planning. Northwatch has and continues to provide valuable input through participation and intervention in various OEB proceedings. In particular:

- ◆ Northwatch was accepted by the Ontario Power Authority as a funded participant, and participated in the series of workshops hosted by the Ontario Power Authority during the development of the IPSP, and provided commentary on the related discussion papers prepared by or for the OPA.



- ◆ Northwatch was accepted as an intervenor and found eligible for costs in the September 2006 review of the Ontario Energy Board's staff paper describing the consultation process the OEB would use related to the OPA's IPSP.
- ◆ Northwatch was accepted and participates as an intervenor in the IPSP proceeding before the OEB.
- ◆ Northwatch participated in the recent above noted OEB proceedings related to developing a framework to support the *Green Energy Act*.

GROUNDNS FOR NORTHWATCH ELIGIBILITY FOR COSTS

Northwatch 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.

Northwatch 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).

Northwatch's primary purpose is to represent the public interest with respect to environmental protection, energy and resource planning and management matters in northeastern Ontario. However, as a coalition of interests which includes those represented by social organizations, Northwatch also has an interest and a relevant perspective with respect to consumer concerns, many of which are unique in northeastern Ontario, relative to a provincial or more urban context (i.e. criteria a).

Further, its members have an interest in the land that is or may be affected by the process (i.e. criteria c). That interest may in some cases be a private interest, but in every case is also a public interest.

Northwatch will make a responsible, unique and beneficial contribution to the Ontario Energy Board's proceeding, and the Board's objective specific to renewable energy as it develops a planning approach that promotes the use and generation of electricity from renewable energy sources in a manner consistent with the policies of the Government of Ontario.



EXISTING SOURCES OF FUNDING

Northwatch's core funding comes from memberships and donations, which are under \$5000 per year, on average. Other project-specific funding is provided by a small number of charitable foundations or is contracted on a fee for service basis.

CO-OPERATION WITH OTHER GROUPS

Northwatch intends to provide written comment in this proceeding.

Northwatch has already contacted a number of intervenors to this proceeding and will develop a position that does not duplicate other intervenors.

Northwatch understands that a responsible intervention will add value and is deserving of costs.

Contacts for the distribution list are as follows:

- ◆ Brennain Lloyd, coordinator for Northwatch, e-mail: northwatch@onlink.net
- ◆ Juli Abouchar, Counsel, Willms & Shier Environmental Lawyers, e-mail: jabouchar@willmsshier.com
- ◆ Katherine Koostachin, Counsel, Willms & Shier Environmental Lawyers, e-mail: kkoostachin@willmsshier.com

Thank you for your consideration. We look forward to a positive response to this request for costs eligibility and to participating in the Transmission Project Development Planning proceeding.

Yours truly,

Juli Abouchar
Partner, W+SEL
Certified as a Specialist in Environmental Law
by the Law Society of Upper Canada

cc: Brennain Lloyd, Northwatch

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