

VIA E-MAIL (RESS and Courier to the Board)

May 20, 2010

Ontario Energy Board
P.O. Box 2319
27th Floor, 2300 Yonge Street
Toronto, ON M4P 1E4
Attn: Kirsten Walli, Board Secretary

Dear Ms. Walli:

RE: FRPO REQUEST TO PARTICIPATE EB-2010-0039

INTERVENTION REQUEST

In response to the Board Notice of Application dated May 14, 2010, the Federation of Rental-housing Providers of Ontario is requesting Intervenor Status in EB-2010-0039 for the determination of Earnings Sharing Mechanism, Deferral Account Disposition and Cost Allocation Methodology for regulated and unregulated storage services..

FRPO is Ontario's leading advocate for quality rental housing, representing over 800 private owners and managers who supply over 250,000 rental suites across the province. Our members strongly believe that the rental-housing sector is best served by a competitive marketplace that offers choice and affordability in the provision of energy services.

ORAL VERSUS WRITTEN HEARING

FRPO appreciates the opportunity to comment on the proposed process. In EB-2009-0052, in our view, it was difficult to get clarity on underlying assumptions regarding cost allocation for storage services. Through supplemental interrogatories and the opportunity to get some questions answered through the technical conference being held for EB-2009-0101, some improvements were made including the discovery of order of magnitude errors in the determination of account balances.¹ The resulting undertakings from the technical conference, while helpful, did not provide clarity on the underlying assumptions. These concerns were paramount in FRPO's submissions in EB-2009-0052.

The resulting Board decision acknowledged the concern and ordered:

"The Board invites parties and Union to bring forward specific submissions on ways in which the hearing process might be improved, when Union files for its 2009 deferral and variance accounts disposition".²

¹ EB-2009-0101 Technical Conference Transcript, May 25, 2009

² EB-2009-0052 Decision, August 6, 2009

In our respectful submission, with history as our guide, we would encourage the Board to consider the provision of an oral hearing for the cost allocation methodology. We have reviewed the evidence and disagree with Union's underlying assumptions that drive cost allocation in the derivation of the margin available for sharing in the Short-Term Storage and Balancing account. We believe that the oral hearing would be the most effective means of ensuring complete understanding of the underlying assumptions and process that drives a determination of the appropriate distribution of margins between shareholders and ratepayers.

DETERMINATION OF COST ELIGIBILITY

As a not-for-profit organization, FRPO does not have other funding sources to ensure experienced representation to participate in and assist the Board with these regulatory proceedings. FRPO has previously assisted the Board in other matters and has been awarded costs by the Board. Therefore, FRPO would respectfully request a determination of eligibility for a cost award at the appropriate time as deemed by the Board.

REPRESENTATION

If the intervention requested is granted, then FRPO asks that further communications with respect to this matter be sent to the following:

Mr. Dwayne R. Quinn
DR QUINN & ASSOCIATES LTD.
160 White Pine Cres.,
Waterloo, Ontario
N2V 1C1

Phone: (519) 500-1022
Email: drquinn@rogers.com

Thank you for your consideration of this request.

Respectfully Submitted on Behalf of FRPO,



Dwayne R. Quinn
Principal
DR QUINN & ASSOCIATES LTD.

- c. C. Ripley - Union Gas
V. Brescia (FRPO)