

July 21, 2010

SENT BY MAIL AND EMAIL
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Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
P.O. Box 2319
26th Floor
2300 Yonge Street
Toronto, ON M4P 1E4

Dear Ms. Walli:

Re: EB-2010-0175 Procedural Order No. 1; and EB-2010-0215 Decision on Cost Eligibility

Thank you for your two notices referenced above, and for accepting Toronto and Region Conservation Authority's (TRCA) participation as an intervenor in these two proceedings. Both proceedings are of great importance to TRCA's interest in effective energy conservation across Ontario, and we have much to contribute from our close working relationships with ratepayers and our unique experience with ongoing conservation programming over the past seven years.

I note your determination that TRCA may not be eligible for an award of costs arising from these proceedings. As you know, TRCA did intervene with the EB-20080-346 DSM Guidelines (Concentric Report) proceedings earlier this year, and we were awarded costs for this intervention (and trust that we provided useful input). As a not-for-profit corporation we would be unable to play an effective role as an intervenor without our costs being covered, so this latest determination would preclude TRCA's ongoing participation. I am therefore writing now to further clarify TRCA's interest and potential contribution to these proceedings, and to respectfully request that the Board reconsider the question of cost award eligibility.

TRCA directly represents the interests of a large and growing number of ratepayers responsible for several hundred buildings across multiple sectors (hospitals, municipalities, offices, retail and schools) in Ontario. We are contracted with these ratepayers over multi-year programs to instruct them in energy conservation planning, action and verification, and to represent their interests with the gas companies and LDC's in Ontario. We meet regularly with the gas companies, the Ontario Power Authority and several of the larger LDC's, providing energy performance data and results of conservation action to help inform conservation programming, and advising them on the needs of building owners in taking effective conservation action. Our workshops serve as focus groups with ratepayers, in which the gas companies and LDC's take part to receive first hand advice on energy conservation and ratepayers' needs. Our programs play a unique and important role in enabling conservation action in Ontario, and are widely recognized as centres of energy conservation practice and expertise.

TRCA, through the Kortright Centre for Conservation and other activities, has been pursuing energy conservation and renewable energy efforts with consumers through education and advocacy programs since approximately 1975. TRCA's current strategic plan, "The Living City", was adopted in February, 2006. It strengthens TRCA's commitment to climate change mitigation and adaptation programs. Building energy performance improvement in both new and existing buildings is a significant component of TRCA's mandate and is the central aspect of climate change mitigation activities.

TRCA also represents what we believe to be a vital public interest, namely the next level of conservation practice which we have pioneered in Ontario and is now being adopted across Canada. Our experience indicates that the addition of this new approach to the Province of Ontario's conservation mix may prove crucial to achieving Ontario's targets and building our new green economy. TRCA has been the major player in the development of this performance-based conservation programming which is enabling widespread action and deep energy reductions across Ontario. The approach has been adopted nationally by the Canada Green Building Council, is at the heart of the Green Energy Act and is demonstrating remarkable energy savings in a growing number of buildings. This is the important public interest that we propose to continue to represent with the OEB and utility companies, and which led us to first intervene with the EB-20080-346 DSM Guidelines (Concentric Report) proceedings earlier this year. Our submission documented just one of many examples - the remarkable savings recorded by Sick Kids Hospital following this performance-based approach over the past five years through our Greening Health Care program, and the highly effective role played by Enbridge Gas Distribution in supporting their work.

Performance-based conservation builds upon existing CDM/DSM programming through multi-year engagement of building owners, enabling harvesting of substantial, previously undiscovered energy savings, verification of actual savings arising from conservation action, identification of best practices and persistence of savings over time. The outcomes are greater savings at lower administration cost. At the same time, TRCA's programs are engaging the energy conservation industry, and helping build capacity in the vital trades and professions of the emerging green economy. TRCA believes it is essential that future conservation programming in Ontario accommodate this new approach, and TRCA is willing to share all that we have learned. In this respect we intend to be selective about which proceedings to intervene with, and hope that the Board will be able to support our ongoing participation and contribution.

TRCA looks forward to being an important and valuable contributor to the emerging conservation landscape in Ontario, and I look forward to receiving your decision.

Sincerely

A handwritten signature in black ink, appearing to read "Brian Denney". The signature is fluid and cursive, with the first name "Brian" being more prominent than the last name "Denney".

Brian Denney, P.Eng.
Chief Administrative Officer