

IN THE MATTER of the *Ontario Energy Board Act 1998*, Schedule B to the *Energy Competition Act*, 1998, S.O. 1998, c.15;

IN THE MATTER OF a proceeding initiated by the Ontario Energy Board to review and examine the possible recovery of costs associated with late payment penalty litigation incurred by electricity distributors.

NOTICE OF INTERVENTION
OF THE
SCHOOL ENERGY COALITION

1. The School Energy Coalition applies for intervenor status in this proceeding.

General Interest of the Intervenor

2. The School Energy Coalition is a coalition established to represent the interests of all Ontario publicly-funded schools in matters relating to energy regulation, policy, and management. It is made up all seven of the major school-related organizations, representing all of the school boards, and all levels of school management, and through them representing the approximately 5000 schools and about 2 million students in Ontario. The primary goal of these organizations is to promote and enhance public education for the benefit of all students and citizens of Ontario.
3. The intervenor's members have a significant interest in the activities of regulated utilities and their affiliates in the province, due to the severe financial implications those activities have on school boards, their students and the people of the province of Ontario. Utility costs are one of the most significant cost pressures facing school boards. The cost of energy services to the intervenor's members is currently more than \$500 million, and has increased rapidly over the last five years. To produce balanced budgets in the face of ever increasing utility costs, school boards have repeatedly been forced to cut essential programs and services to the detriment of the students and the public of the province of Ontario.

Issues to be Addressed

4. SEC will participate in the issues as identified by the Board during the course of the consultation, including the threshold issue, as well as any cost allocation and rate design issues, and in all other respects to represent the interests of schools and their students in this consultation.

The Intervenor's Intended Participation

5. The School Energy Coalition intends to provide submissions as and when requested by the Board. SEC also intends to participate in any other parts of the process that the Board should order.

Counsel/Representative

6. The School Energy Coalition requests that a copy of all documents filed with the Board by each party to this proceeding be served on the Applicant, and on the Applicant's counsel as follows:

(a) School Energy Coalition:

ONTARIO EDUCATION SERVICES CORPORATION
c/o Ontario Public School Boards Association
439 University Avenue, 18th Floor
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Attn: Wayne McNally, SEC Co-ordinator
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(b) School Energy Coalition's counsel:

JAY SHEPHERD PROFESSIONAL CORPORATION
2300 Yonge Street, Suite 806
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Costs

7. The School Energy Coalition intends to apply for recovery of its costs reasonably incurred in the course of its intervention in this matter. The School Energy Coalition has participated in many past natural gas and electricity proceedings in Ontario, including consultations, rate cases, and other processes and hearings, and has been found eligible to be paid its reasonably incurred costs in all of those proceedings.
8. The School Energy Coalition is eligible for a cost award because it “primarily represents the interests of consumers (e.g. ratepayers) in relation to regulated services”. School boards are one of the largest groups of non-industrial energy consumers in the province, and their energy costs have a direct impact on the education of millions of Ontario children. The formation of the School Energy Coalition in 2004 ensured that all representatives of the interests of schools participate jointly in OEB proceedings.
9. The School Energy Coalition is not ineligible by reason of any of the criteria contained in section 3.05 of the Practice Direction on Cost Awards.

Respectfully submitted on behalf of the School Energy Coalition this 5th day of November 2010.

Jay Shepherd
Counsel for the School Energy Coalition