



## Jay Shepherd

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### **BY RESS and EMAIL**

December 16, 2010  
Our File No. 20100279

Ontario Energy Board  
2300 Yonge Street  
27<sup>th</sup> Floor  
Toronto, Ontario  
M4P 1E4

### **Attn: Kirsten Walli, Board Secretary**

Dear Ms. Walli:

### **Re: EB-2010-0279 – OPA 2011 Revenue Requirement – SEC Late Intervention**

We are counsel for the School Energy Coalition. Attached to this letter is a Notice of Intervention from SEC in the above-mentioned proceeding, and this letter constitutes our request to be granted late intervenor status.

SEC has not intervened in past OPA revenue requirement proceedings. While the work of the OPA is of critical importance to the Ontario electricity sector, and has a significant impact on schools, we concluded that the narrow focus of the issues in the past cases reduced the importance of participation by schools. Having now read Procedural Order #1 in this proceeding, and reviewed the submissions of parties on the issues list, we believe that it is possible the scope of this proceeding will be broader. As the interest of schools is in the revenue requirement relative to the work being done (i.e. “value for money” analysis), it now appears to us that SEC should participate.

As always, SEC understands that if our intervention request is accepted, we accept the record as it is to date.



All of which is respectfully submitted.

Yours very truly,  
**JAY SHEPHERD P. C.**

Jay Shepherd

cc: Wayne McNally, SEC (email)  
Interested parties (email)

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

AND IN THE MATTER OF an Application by the Ontario Power Authority for an Order or Orders approving its 2011 revenue requirement and usage fee.

**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's intended participation will focus on the following issues:
  - (a) The proposed costs and offsets for the test year and the resulting revenue requirement, including the "value for money" analysis of the proposed expenditures;
  - (b) The proposed usage fee and other charges; and
  - (c) Generally to represent the interests of school boards and their students in this process.

### **The Intervenor's Intended Participation**

5. The School Energy Coalition intends to participate in any pre-hearing procedures, including interrogatories or technical conferences, and settlement conferences. SEC also intends to participate in any oral hearing of this matter, and in written or oral submissions, as well as any other parts of the process that the Board should order.

### **Nature of Hearing Requested**

6. Until interrogatories have been answered, we believe it is premature to assess whether a written or an oral hearing is more appropriate in this proceeding.

### **Counsel/Representative**

7. 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, 18<sup>th</sup> Floor  
Toronto, ON  
M5G 1Y8

Attn: Wayne McNally, SEC Coordinator  
Phone: 416 340-2540  
Fax: 416 340-7571  
Email: wmcnally@opsba.org

(b) School Energy Coalition's counsel:

**JAY SHEPHERD PROFESSIONAL CORPORATION**  
2300 Yonge Street, Suite 806  
Toronto, Ontario, M4P 1E4

Attn: Jay Shepherd  
Phone: 416-483-3300  
Cell: 416-804-2767  
Fax: 416-483-3305  
Email: [jay.shepherd@canadianenergylawyers.com](mailto:jay.shepherd@canadianenergylawyers.com)

**Costs**

8. 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.
9. 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 ensured that all representatives of the interests of schools participated jointly in OEB proceedings.
10. 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 16<sup>th</sup> day of December, 2010.

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Jay Shepherd  
Counsel for School Energy Coalition