



EB-2010-0331
EB-2010-0332

IN THE MATTER OF the Ontario Energy Board Act 1998,
S.O. 1998, c.15, (Schedule B);

AND IN THE MATTER OF an Application by Hydro One
Brampton Networks Inc. for an Order or Orders granting
approval of initiatives and amounts related to the
Conservation and Demand Management Code;

AND IN THE MATTER OF an Application by Hydro One
Networks Inc. for an Order or Orders granting approval of
initiatives and amounts related to the Conservation and
Demand Management Code.

**PROCEDURAL ORDER NO. 1 and
COST ELIGIBILITY DECISION**

Hydro One Brampton Networks Inc. ("Hydro One Brampton") and Hydro One Networks Inc. ("Hydro One") have each filed an application with the Ontario Energy Board (the "Board"), dated November 1, 2010 seeking an order granting approval of funding for six individual conservation and demand management ("CDM") programs.

The Board assigned file number EB-2010-0331 to the Hydro One Brampton application and file number EB-2010-0332 to the Hydro One application.

The applications have been filed pursuant to the Board's CDM Code that was issued on September 16, 2010. The CDM Code was developed by the Board in response to a Directive from the Minister of Energy dated March 31, 2010.

Both Hydro One Brampton and Hydro One have filed for approval of the same suite of CDM programs. The programs for which they are seeking approval are: Community Education, Neighbourhood Benchmarking, Monitoring and Targeting, Small Commercial Energy Management and Load Control, Municipal and Hospital Energy Efficiency

Performance, and Double Return Plus. Hydro One Brampton seeks approval for a total of \$7.9 million and Hydro One seeks approval for a total of \$32.0 million. Both Hydro One Brampton and Hydro One also seek approval of a variance account to record the difference between the funding awarded for Board-Approved CDM Programs and the actual spending incurred to carry out the programs. If approved, the CDM programs will be funded by all provincial ratepayers through the Global Adjustment Mechanism, which is a part of the “commodity” line item on a standard residential bill.

On November 19, 2010 the Board issued its Notice of Application. The Notice of Application notified interested parties that cost awards would be available to eligible parties in relation to their participation in this proceeding, and informed parties to include the grounds for their cost awards eligibility in their intervention requests.

Decision on Cost Eligibility

The Board received intervention requests from Horizon Utilities Inc. (“Horizon”), Hydro Ottawa Inc. (“Hydro Ottawa”), the Ontario Power Authority (“OPA”), the Power Workers Union (“PWU”), PowerStream Inc. (“PowerStream”), Toronto Hydro-Electric System Ltd. (“Toronto Hydro”) and Veridian Connections Inc. (“Veridian”). The Board approves the intervention requests from Horizon, Hydro Ottawa, OPA, PWU, PowerStream, Toronto Hydro and Veridian.

The Board also received intervention requests for intervention and cost eligibility from the following parties:

- Association of Major Power Consumers in Ontario (“AMPCO”)
- Consumers Counsel of Canada (“CCC”)
- Canadian Energy Efficiency Alliance (“CEEA”)
- Canadian Manufacturers & Exporters (“CME”)
- Mr. Donald D. Rennick (“Mr. Rennick”)
- Energy Probe Research Foundation (“Energy Probe”)
- EnviroCentre
- Green Energy Coalition (“GEC”)
- Low-Income Energy Network (“LIEN”)
- Ontario Sustainability Energy Alliance (“OSEA”)
- Pollution Probe
- School Energy Coalition (“SEC”)

- Toronto and Region Conservation Authority (“TRCA”)
- Vulnerable Energy Consumers Coalition (“VECC”)

The Board has determined that the following parties are approved as intervenors and are eligible for an award of costs in this proceeding: AMPCO, CCC, CEEA, CME, Energy Probe, GEC, LIEN, Pollution Probe, SEC, and VECC.

The Board accepts Mr. Rennick as an intervenor in this proceeding. However, the Board has determined that Mr. Rennick is not eligible for a cost award. The Board notes that Mr. Rennick is not a customer of either of the applicants in this proceeding. Mr. Rennick is a customer of North Bay Hydro Distribution Inc. The Board does not feel as though Mr. Rennick primarily represents the direct interests of consumers (e.g. ratepayers), criterion 3.03(a) from the Board’s *Practice Direction on Cost Awards*, and therefore is not entitled to an award of costs.

The Board also accepts EnviroCentre, OSEA and TRCA as intervenors in this proceeding. The Board has determined that EnviroCentre, OSEA and TRCA are not eligible for a cost award. The Board notes that the parties listed above are service providers and do not represent the direct interests of consumers and do not primarily represent a public interest issue with respect to issues in this case.

Confidentiality

The Board notes that both Hydro One and Hydro One Brampton have sought confidential treatment for certain information, and that sections of the applications filed on the public record were redacted in an effort to maintain confidentiality in its procurement process.

The Board will allow parties to file submissions on whether the information in question meets the confidentiality thresholds established in the Board’s *Practice Direction on Confidential Filings*. In the meantime, persons that execute the Board’s Declaration and Undertaking (found at Appendix D to the Practice Direction on Confidential Filings) may see the un-redacted versions of the documents. The Board will make a final decision on the status of this information in due course.

The Board welcomes parties to make submissions on whether the companies should have to make available unredacted copies of its application.

THE BOARD ORDERS THAT:

1. Parties and Board Staff who would like to make submissions on the proposed confidential information in the applications in this proceeding may do so by written submission filed with the Board on or before **Friday, December 24, 2010**.
2. Hydro One and Hydro One Brampton may reply to any submissions on confidentiality by **Wednesday, January 5, 2011**.
3. Parties and Board Staff wishing to seek further information that is in addition to the pre-filed evidence are to file written interrogatories on Hydro One Brampton's and/or Hydro One's applications and shall do so by **Thursday, January 13, 2011**.
4. Hydro One Brampton and Hydro One shall file written responses to all interrogatories received from parties and Board Staff on or before **Thursday, January 27, 2011**.
5. An oral hearing will commence on **Thursday, February 3, 2011** beginning at 9:30 a.m. at 2300 Yonge Street, Toronto, ON in the Board's West Hearing Room. The West Hearing Room is booked for two (2) days.

All filings to the Board must quote the file number, EB-2010-0331 / EB-2010-0332, be made through the Board's web portal at www.errr.oeb.gov.on.ca, and consist of two paper copies and one electronic copy in searchable / unrestricted PDF format. Filings must clearly state the sender's name, postal address and telephone number, fax number and e-mail address. Please use the document naming conventions and document submission standards outlined in the RESS Document Guidelines found at www.oeb.gov.on.ca. If the web portal is not available you may e-mail your document to the address below. Those who do not have internet access are required to submit all filings on a CD in PDF format, along with two paper copies. Those who do not have computer access are required to file 7 paper copies.

All communications should be directed to the attention of the Board Secretary at the address below, and be received no later than 4:45 p.m. on the required date.

DATED at Toronto, December 21, 2010

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary

**Hydro One Brampton Networks Inc.
EB-2010-0331**

APPLICANT & LIST OF INTERVENORS

December 21, 2010

APPLICANT

Rep. and Address for Service

Hydro One Brampton Networks Inc. Scott Miller

Regulatory Affairs Manager
Hydro One Brampton Networks Inc.
175 Sandalwood Pkwy West
Brampton, ON L7A 1E8

Tel: 905-452-5504
Fax: 905-840-0967
smiller@hydroonebrampton.com

INTERVENORS

Rep. and Address for Service

Donald Rennick
Independent Participants - General Public
3921 Surrey Drive
North Bay ON P1C 1E3
Tel: 705-476-2007
Fax: Not Provided
ddrennick@cogeco.ca

Hydro One Brampton Networks Inc.

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APPLICANT & LIST OF INTERVENORS

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December 21, 2010

**Canadian Energy Efficiency
Alliance (Alliance)**

Thomas Brett

Fogler, Rubinoff LLP
95 Wellington St. W.
S. 1200 Toronto-Dominion Centre
Toronto ON M5J 2Z9
Tel: 416-864-9700
Fax: 416-941-8852
tbrett@foglers.com

Marion Fraser

President
Fraser & Company
502-33 Harbour Square
Toronto ON M5J 2G2
Tel: 416-941-9729
Fax: 416-941-9729
Marion.Fraser@rogers.com

Judy Simon

Vice President
IndEco Strategic Consulting Inc.
412-77 Mowat Avenue
Toronto ON M6K 3E3
Tel: 416-204-0357
Fax: 416-866-6336
jsimon@indeco.com

**Canadian Manufacturers &
Exporters**

Paul Clipsham

Director of Policy, Ontario Division
Canadian Manufacturers & Exporters
6725 Airport Rd.
Suite 200
Mississauga ON L4V 1V2
Tel: 905-672-3466 Ext: 3236
Fax: 905-672-1764
paul.clipsham@cme-mec.ca

Hydro One Brampton Networks Inc.

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APPLICANT & LIST OF INTERVENORS

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December 21, 2010

**Canadian Manufacturers &
Exporters**

Peter Thompson, Q.C.

Borden Ladner Gervais LLP
100 Queen St.
Suite 1100
Ottawa ON K1P 1J9
Tel: 613-787-3528
Fax: 613-230-8842
pthompson@blg.com

Vincent DeRose

Borden Ladner Gervais LLP
100 Queen St.
Suite 1100
Ottawa ON K1P 1J9
Tel: 613-787-3589
Fax: 613-230-8842
vderose@blg.com

Consumers Council of Canada Julie Girvan

Consultant
Consumers Council of Canada
62 Hillside Ave. East
Toronto ON M4S 1T5
Tel: 416-322-7936
Fax: 416-322-9703
jgirvan@ca.inter.net

Hydro One Brampton Networks Inc.

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APPLICANT & LIST OF INTERVENORS

- 4 -

December 21, 2010

Consumers Council of Canada Robert B. Warren

Counsel
WeirFoulds LLP
The Exchange Tower
Suite 1600, P.O. Box 480
130 King Street West
Toronto ON M5X 1J5
Tel: 416-947-5075
Fax: 416-365-1876
rwarren@weirfoulds.com

**Energy Probe Research
Foundation**

David MacIntosh

Case Manager
Energy Probe Research Foundation
225 Brunswick Avenue
Toronto ON M5S 2M6
Tel: 416-964-9223 Ext: 235
Fax: 416-964-8239
DavidMacIntosh@nextcity.com

Olena Loskutova

Energy Probe Research Foundation
c/o Energy Probe
225 Brunswick Ave.
Toronto ON M5S 2M6
Tel: 416-964-9223 Ext: 234
Fax: 416-964-8239
olena.loskutova@gmail.com

Hydro One Brampton Networks Inc.

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APPLICANT & LIST OF INTERVENORS

- 5 -

December 21, 2010

Green Energy Coalition

David Poch

Barrister

Independent Participants - General Public

1649 Old Brooke Road

Maberly ON K0H 2B0

Tel: 613-264-0055

Fax: 613-264-2878

dpoch@eelaw.ca

Kai Millyard

Green Energy Coalition

72 Regal Road

Toronto ON M6H 2K1

Tel: 416-651-7141

Fax: 416-651-4659

kai@web.net

Chris Neme

Energy Futures Group

P.O. Box 587

Hinesburg VT 05461

Tel: 802-482-5001 Ext: 1

Fax: 802-329-2143

cneme@energyfuturesgroup.com

Horizon Utilities Corporation

Indy Butany-DeSouza

Vice President

Horizon Utilities Corporation

55 John Street North

Hamilton ON L8G 5G5

Tel: 905-317-4785

Fax: Not Provided

indy.butany@horizonutilities.com

Hydro One Brampton Networks Inc.

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APPLICANT & LIST OF INTERVENORS

- 6 -

December 21, 2010

Hydro Ottawa Limited

Jane Scott

Manager
Hydro Ottawa Limited
Ottawa ON
Tel: 613-738-5499 Ext: 7499
Fax: Not Provided
janescott@hydroottawa.com

Low Income Energy Network

Judy Simon

Vice President
IndEco Strategic Consulting Inc.
412-77 Mowat Avenue
Toronto ON M6K 3E3
Tel: 416-204-0357
Fax: 416-866-6336
jsimon@indecoc.com

Amy Snooks

IndEco Strategic Consulting Inc.
412- 77 Mowat Avenue
Toronto ON M6K 3E3
Tel: 416-204-0357
Fax: 416-866-6336
asnook@indecoc.com

Zee Bhanji

Low Income Energy Network
425 Adelaide Street West, 5th Floor
Toronto ON M5V 3C1
Tel: 416-597-5855 Ext: 5167
Fax: 416-597-5821
bhanjiz@lao.on.ca

Hydro One Brampton Networks Inc.

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APPLICANT & LIST OF INTERVENORS

- 7 -

December 21, 2010

Low Income Energy Network

Josh Shook

IndEco Strategic Consulting Inc.

412- 77 Mowat Avenue

Toronto ON M6K 3E3

Tel: 416-204-0364

Fax: 416-866-6336

lien@indeco.com

Ontario Power Authority

Miriam Heinz

Regulatory Coordinator, Corporate Affairs/Legal

Ontario Power Authority

120 Adelaide Street West, Suite 1600

Toronto ON M5H 1T1

Tel: 416-967-7474

Fax: 416-967-1947

Miriam.Heinz@powerauthority.on.ca

**Ontario Sustainable Energy
Association**

Judy Simon

Vice President

IndEco Strategic Consulting Inc.

412-77 Mowat Avenue

Toronto ON M6K 3E3

Tel: 416-204-0357

Fax: 416-866-6336

jsimon@indeco.com

Marion Fraser

President

Fraser & Company

502-33 Harbour Square

Toronto ON M5J 2G2

Tel: 416-941-9729

Fax: 416-941-9729

Marion.Fraser@rogers.com

Hydro One Brampton Networks Inc.

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APPLICANT & LIST OF INTERVENORS

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December 21, 2010

**Ontario Sustainable Energy
Association**

Cherie Brant

Willms & Shier Environmental Lawyers LLP
4 King Street West
Suite 900
Toronto ON M5H 1B6
Tel: 416-862-4829
Fax: 416-863-1938
cbrant@willmsshier.com

Pollution Probe Foundation

Jack Gibbons

Public Interest Economics
625 Church St. Suite 402
Toronto ON M4Y 2G1
Tel: 416-926-1907 Ext: 240
Fax: 416-926-1601
jgibbons@pollutionprobe.org

Basil Alexander

Klippensteins, Barristers & Solicitors
160 John St. Suite 300
Toronto ON M5V 2E5
Tel: 416-598-0288
Fax: 416-598-9520
basil.alexander@klippensteins.ca

PowerStream Inc.

Christine Dade

Manager
PowerStream Inc.
161 Cityview Boulevard
Vaughan ON L4H 0A9
Tel: 905-532-1052
Fax: 905-532-4616
Christine.dade@powerstream.ca

Hydro One Brampton Networks Inc.

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APPLICANT & LIST OF INTERVENORS

- 9 -

December 21, 2010

PowerStream Inc.

Colin Macdonald

Vice President

PowerStream Inc.

161 Cityview Boulevard

Vaughan ON L4H 0A9

Tel: 905-532-4649

Fax: 905-532-4557

colin.macdonald@powerstream.ca

School Energy Coalition

Wayne McNally

SEC Coordinator

Ontario Public School Boards' Association

439 University Avenue, 18th Floor

Toronto ON M5G 1Y8

Tel: 416-340-2540

Fax: 416-340-7571

wmcnally@opsba.org

Jay Shepherd

Jay Shepherd Professional Corporation

2300 Yonge St.

8th Floor, Suite 806

Toronto ON M4P 1E4

Tel: 416-483-3300

Fax: 416-483-3305

jay.shepherd@canadianenergylawyers.com

**Toronto and Region
Conservation Authority**

Ian Jarvis

President

ENERLife Consulting Inc.

100 Upper Madison Avenue Suite 706

Toronto ON M2N 6M4

Tel: 416-225-6109

Fax: 416-225-6613

ian.jarvis@enerlife.com

Hydro One Brampton Networks Inc.

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APPLICANT & LIST OF INTERVENORS

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**Toronto and Region
Conservation Authority**

Noel Cheeseman

Principal
Toronto and Region Conservation Authority
22 St. Joseph Street
Toronto ON M4Y 1J9
Tel: 416-915-1530 Ext: 204
Fax: Not Provided
ncheeseman@enerlife.com

**Toronto Hydro-Electric
System Limited**

Glen Winn

Manager of Rate Applications
Toronto Hydro-Electric System Limited
14 Carlton Street
Toronto ON M5B 1K5
Tel: 416-542-2517
Fax: 416-542-2776
regulatoryaffairs@torontohydro.com

Glen Winn

Manager of Rate Applications
Toronto Hydro-Electric System Limited
14 Carlton Street
Toronto ON M5B 1K5
Tel: 416-542-2517
Fax: 416-542-2776
regulatoryaffairs@torontohydro.com

Veridian Connections Inc.

George Armstrong

Manager of Regulatory Affairs and Key Projects
Veridian Connections Inc.
55 Taunton Road East
Ajax ON L1T 3V3
Tel: 905-427-9870 Ext: 2202
Fax: 905-619-0210
garmstrong@veridian.on.ca

Hydro One Brampton Networks Inc.

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APPLICANT & LIST OF INTERVENORS

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December 21, 2010

Veridian Connections Inc.

Steve Zebrowski

Regulatory & Key Projects Analyst
Veridian Connections Inc.

Ajax ON

Tel: (427-9870 Ext: 3274

Fax: Not Provided

szebrowski@veridian.on.ca

**Vulnerable Energy Consumers
Coalition**

Michael Buonaguro

Counsel

Public Interest Advocacy Centre

34 King St. E., Suite 1102

Toronto ON M5C 2X8

Tel: 416-767-1666

Fax: 416-348-0641

mbuonaguro@piac.ca

Roger Higgin

Managing Associate

Econalysis Consulting Services Inc.

34 King St. E.

Suite 1102

Toronto ON M5C 2X8

Tel: 416-348-0193

Fax: 416-348-0641

rhiggin@econalysis.ca

**Hydro One Networks Inc.
EB-2010-0332**

APPLICANT & LIST OF INTERVENORS

December 21, 2010

APPLICANT

Rep. and Address for Service

Hydro One Networks Inc.

Anne-Marie Reilly

Senior Regulatory Coordinator
Hydro One Networks Inc.
483 Bay Street
8th Floor - South Tower
Toronto, ON M5G 2P5

Tel: 416-345-6482
Fax: 416-345-5866
regulatory@hydroone.com

INTERVENORS

Rep. and Address for Service

Donald Rennick

Independent Participants - General Public

3921 Surrey Drive
North Bay ON P1C 1E3

Tel: 705-476-2007
Fax: Not Provided
ddrennick@cogeco.ca

Hydro One Networks Inc.

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APPLICANT & LIST OF INTERVENORS

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December 21, 2010

**Association of Major Power
Consumers in Ontario**

Shelley Grice

Consultant
AITIA Analytics Inc.
c/o AMPCO
372 Bay Street
Suite 1702
Toronto ON M5H 2W9
Tel: 416-260-0225
Fax: 416-260-0442
shelley.grice@rogers.com

Wayne Clark

Consultant
SanZoe Consulting Inc.
25 Priest Avenue
Minesing ON LOL 1Y3
Tel: 705-728-3284
Fax: 705-721-0974
c.w.clark@sympatico.ca

**Canadian Energy Efficiency
Alliance (Alliance)**

Marion Fraser

President
Fraser & Company
502-33 Harbour Square
Toronto ON M5J 2G2
Tel: 416-941-9729
Fax: 416-941-9729
Marion.Fraser@rogers.com

Hydro One Networks Inc.

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APPLICANT & LIST OF INTERVENORS

- 3 -

December 21, 2010

**Canadian Energy Efficiency
Alliance (Alliance)**

Thomas Brett

Fogler, Rubinoff LLP
95 Wellington St. W.
S. 1200 Toronto-Dominion Centre
Toronto ON M5J 2Z9
Tel: 416-864-9700
Fax: 416-941-8852
tbrett@foglers.com

**Canadian Manufacturers &
Exporters**

Paul Clipsham

Director of Policy, Ontario Division
Canadian Manufacturers & Exporters
6725 Airport Rd.
Suite 200
Mississauga ON L4V 1V2
Tel: 905-672-3466 Ext: 3236
Fax: 905-672-1764
paul.clipsham@cme-mec.ca

Peter Thompson, Q.C.

Borden Ladner Gervais LLP
100 Queen St.
Suite 1100
Ottawa ON K1P 1J9
Tel: 613-787-3528
Fax: 613-230-8842
pthompson@blg.com

Vincent DeRose

Borden Ladner Gervais LLP
100 Queen St.
Suite 1100
Ottawa ON K1P 1J9
Tel: 613-787-3589
Fax: 613-230-8842
vderose@blg.com

Hydro One Networks Inc.

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APPLICANT & LIST OF INTERVENORS

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December 21, 2010

Consumers Council of Canada Julie Girvan

Consultant
Consumers Council of Canada
62 Hillside Ave. East
Toronto ON M4S 1T5
Tel: 416-322-7936
Fax: 416-322-9703
jgirvan@ca.inter.net

Robert B. Warren

Counsel
WeirFoulds LLP
The Exchange Tower
Suite 1600, P.O. Box 480
130 King Street West
Toronto ON M5X 1J5
Tel: 416-947-5075
Fax: 416-365-1876
rwarren@weirfoulds.com

**Energy Probe Research
Foundation**

David MacIntosh

Case Manager
Energy Probe Research Foundation
225 Brunswick Avenue
Toronto ON M5S 2M6
Tel: 416-964-9223 Ext: 235
Fax: 416-964-8239
DavidMacIntosh@nextcity.com

Hydro One Networks Inc.

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APPLICANT & LIST OF INTERVENORS

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December 21, 2010

**Energy Probe Research
Foundation**

Olena Loskutova

Energy Probe Research Foundation
c/o Energy Probe
225 Brunswick Ave.
Toronto ON M5S 2M6
Tel: 416-964-9223 Ext: 234
Fax: 416-964-8239
olena.loskutova@gmail.com

EnviroCentre

Greg Furlong

EnviroCentre
106 Walnut Court
Ottawa ON K1R 7W2
Tel: 613-2373281
Fax: 613-447-3281
gfurlong@sympatico.ca

Dana Silk

General Manager
EnviroCentre
110 Laurier Avenue West
Ottawa ON
Tel: 613-580-2582
Fax: 613-580-2494
dana.silk@ottawa.ca

Green Energy Coalition

David Poch

Barrister
Independent Participants - General Public
1649 Old Brooke Road
Maberly ON K0H 2B0
Tel: 613-264-0055
Fax: 613-264-2878
dpoch@eelaw.ca

Hydro One Networks Inc.

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APPLICANT & LIST OF INTERVENORS

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December 21, 2010

Green Energy Coalition

Kai Millyard

Green Energy Coalition
72 Regal Road
Toronto ON M6H 2K1
Tel: 416-651-7141
Fax: 416-651-4659
kai@web.net

Chris Neme

Energy Futures Group
P.O. Box 587
Hinesburg VT 05461
Tel: 802-482-5001 Ext: 1
Fax: 802-329-2143
cneme@energyfuturesgroup.com

Horizon Utilities Corporation

Indy Butany-DeSouza

Vice President
Horizon Utilities Corporation
55 John Street North
Hamilton ON L8G 5G5
Tel: 905-317-4785
Fax: Not Provided
indy.butany@horizonutilities.com

Hydro Ottawa Limited

Jane Scott

Manager
Hydro Ottawa Limited
Ottawa ON
Tel: 613-738-5499 Ext: 7499
Fax: Not Provided
janescott@hydroottawa.com

Hydro One Networks Inc.

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APPLICANT & LIST OF INTERVENORS

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December 21, 2010

Low Income Energy Network

Judy Simon

Vice President

IndEco Strategic Consulting Inc.

412-77 Mowat Avenue

Toronto ON M6K 3E3

Tel: 416-204-0357

Fax: 416-866-6336

jsimon@indeco.com

Amy Snooks

IndEco Strategic Consulting Inc.

412- 77 Mowat Avenue

Toronto ON M6K 3E3

Tel: 416-204-0357

Fax: 416-866-6336

asnook@indeco.com

Josh Shook

IndEco Strategic Consulting Inc.

412- 77 Mowat Avenue

Toronto ON M6K 3E3

Tel: 416-204-0364

Fax: 416-866-6336

lien@indeco.com

Zee Bhanji

Low Income Energy Network

425 Adelaide Street West, 5th Floor

Toronto ON M5V 3C1

Tel: 416-597-5855 Ext: 5167

Fax: 416-597-5821

bhanjiz@lao.on.ca

APPLICANT & LIST OF INTERVENORS

Ontario Power Authority

Miriam Heinz

Regulatory Coordinator, Corporate Affairs/Legal
Ontario Power Authority

120 Adelaide Street West, Suite 1600

Toronto ON M5H 1T1

Tel: 416-967-7474

Fax: 416-967-1947

Miriam.Heinz@powerauthority.on.ca

**Ontario Sustainable Energy
Association**

Cherie Brant

Willms & Shier Environmental Lawyers LLP

4 King Street West

Suite 900

Toronto ON M5H 1B6

Tel: 416-862-4829

Fax: 416-863-1938

cbrant@willmsshier.com

Marion Fraser

President

Fraser & Company

502-33 Harbour Square

Toronto ON M5J 2G2

Tel: 416-941-9729

Fax: 416-941-9729

Marion.Fraser@rogers.com

Pollution Probe Foundation

Jack Gibbons

Public Interest Economics

625 Church St. Suite 402

Toronto ON M4Y 2G1

Tel: 416-926-1907 Ext: 240

Fax: 416-926-1601

jgibbons@pollutionprobe.org

Hydro One Networks Inc.

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APPLICANT & LIST OF INTERVENORS

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Pollution Probe Foundation

Basil Alexander

Klippensteins, Barristers & Solicitors

160 John St. Suite 300

Toronto ON M5V 2E5

Tel: 416-598-0288

Fax: 416-598-9520

basil.alexander@klippensteins.ca

Power Workers' Union

Judy Kwik

Senior Consultant

Elenchus Research Associates (ERA)

34 King Street E. Suite 610

Toronto ON M5C 2X8

Tel: 416-348-8777

Fax: 416-348-9930

jkwik@elenchus.ca

Bayu Kidane

Elenchus Research Associates (ERA)

34 King Street East

Suite 610

Toronto ON M5C 2X8

Tel: 416-348-0666

Fax: 416-348-9930

bkidane@era-inc.ca

Richard Stephenson

Counsel

Paliare Roland Rosenberg Rothstein LLP

250 University Av. Suite 510

Toronto ON M5H 3E5

Tel: 416-646-4325

Fax: 416-646-4335

richard.stephenson@paliareroland.com

Hydro One Networks Inc.

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APPLICANT & LIST OF INTERVENORS

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Power Workers' Union

John Sprackett

Staff Officer, President's Office
Power Workers' Union
244 Eglinton Avenue E.
Toronto ON M4P 1K4
Tel: 416-322-4787
Fax: 416-481-7914
sprackett@pwu.ca

PowerStream Inc.

Christine Dade

Manager
PowerStream Inc.
161 Cityview Boulevard
Vaughan ON L4H 0A9
Tel: 905-532-1052
Fax: 905-532-4616
Christine.dade@powerstream.ca

Colin Macdonald

Vice President
PowerStream Inc.
161 Cityview Boulevard
Vaughan ON L4H 0A9
Tel: 905-532-4649
Fax: 905-532-4557
colin.macdonald@powerstream.ca

School Energy Coalition

Wayne McNally

SEC Coordinator
Ontario Public School Boards' Association
439 University Avenue, 18th Floor
Toronto ON M5G 1Y8
Tel: 416-340-2540
Fax: 416-340-7571
wmcnally@opsba.org

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School Energy Coalition

Wayne Shepherd

President
Pure Choice Electric Inc.
695 Flint Road
Toronto ON M3J 2T7
Tel: 416-739-9111
Fax: 416-739-9776
wayne@greengrid.com

Jay Shepherd

Jay Shepherd Professional Corporation
2300 Yonge St.
8th Floor, Suite 806
Toronto ON M4P 1E4
Tel: 416-483-3300
Fax: 416-483-3305
jay.shepherd@canadianenergylawyers.com

**Toronto and Region
Conservation Authority**

Ian Jarvis

President
ENERLife Consulting Inc.
100 Upper Madison Avenue Suite 706
Toronto ON M2N 6M4
Tel: 416-225-6109
Fax: 416-225-6613
ian.jarvis@enerlife.com

Noel Cheeseman

Principal
Toronto and Region Conservation Authority
22 St. Joseph Street
Toronto ON M4Y 1J9
Tel: 416-915-1530 Ext: 204
Fax: Not Provided
ncheeseman@enerlife.com

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**Toronto Hydro-Electric
System Limited**

Glen Winn

Manager of Rate Applications
Toronto Hydro-Electric System Limited
14 Carlton Street
Toronto ON M5B 1K5
Tel: 416-542-2517
Fax: 416-542-2776
regulatoryaffairs@torontohydro.com

Veridian Connections Inc.

George Armstrong

Manager of Regulatory Affairs and Key Projects
Veridian Connections Inc.
55 Taunton Road East
Ajax ON L1T 3V3
Tel: 905-427-9870 Ext: 2202
Fax: 905-619-0210
garmstrong@veridian.on.ca

Steve Zebrowski

Regulatory & Key Projects Analyst
Veridian Connections Inc.
Ajax ON
Tel: (427-9870 Ext: 3274
Fax: Not Provided
szebrowski@veridian.on.ca

**Vulnerable Energy Consumers
Coalition**

Michael Buonaguro

Counsel
Public Interest Advocacy Centre
34 King St. E., Suite 1102
Toronto ON M5C 2X8
Tel: 416-767-1666
Fax: 416-348-0641
mbuonaguro@piac.ca

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**Vulnerable Energy Consumers
Coalition** **Roger Higgin**

Managing Associate
Econalysis Consulting Services Inc.
34 King St. E.
Suite 1102
Toronto ON M5C 2X8
Tel: 416-348-0193
Fax: 416-348-0641
rhiggin@econalysis.ca