

ONTARIO ENERGY BOARD

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

IN THE MATTER OF an Application by Toronto
Hydro-Electric System Limited 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 a Notice of Motion by
Pollution Probe Research Foundation for review of parts
of the Board's Decision on Issues and Cost Eligibility
issued on March 11, 2011;

LOW-INCOME ENERGY NETWORK SUBMISSION ON POLLUTION PROBE MOTION

The Low-Income Energy Network (LIEN) offers the following submissions in support of Pollution Probe's Motion to Review parts of the *Decision on Issues and Cost Eligibility* (the "Issues List Decision") in this matter:

1. LIEN supports Pollution Probe's Motion for an Order that the Board review and vary the parts of the Issues List Decision determining that:
 - a) the additional issue proposed by Pollution Probe to investigate the proposed participation rates for Toronto Hydro's OPA CDM Programs is outside the scope of the hearing;
 - b) the additional issue proposed by Pollution Probe to allow parties to question whether or not Toronto Hydro should be encouraged to propose more Board-Approved CDM Programs is outside the scope of this hearing; and
 - c) Toronto Hydro's budget for OPA CDM programs is outside the scope of this hearing.
2. LIEN submits that participation rates for Toronto Hydro's OPA CDM Programs (1(a) above) are not outside the scope of this hearing. To ensure Toronto Hydro's Board Approved Programs do not duplicate those of the OPA CDM programs as mandated by Minister's Directive dated March 31, 2010

("CDM Directive") at paragraph 6(c), it is necessary to compare the participation rates forecasted to be achieved by the delivery of Toronto Hydro's OPA CDM programs and the participation rates of those proposed for Toronto Hydro Board Approved Programs.

3. LIEN submits that allowing parties to question whether or not Toronto Hydro should be encouraged to propose more Board-Approved CDM Programs (1(b) above) is not outside the scope of this hearing based on paragraph 6(c) of the CDM Directive. LIEN submits that Toronto Hydro should be encouraged to propose more Board-Approved CDM Programs, where there are gaps identified in market coverage of particular market segments, after examining the customer types that will be adequately serviced by the OPA programs and Toronto Hydro's proposed Board Approved Programs. Adequate coverage of customer types is a requirement of the CDM Code and this examination is part of fulfilling that requirement. Any additional programs or program concepts identified that should be further considered by Toronto Hydro in the future will help to minimize the number of non-participants, and achieve greater demand and energy savings.

4. LIEN submits that Toronto Hydro's budget for OPA CDM programs (1(c) above) is not outside the scope of this hearing. LIEN submits that the Board must consider Toronto Hydro's total CDM budget as well as the individual budget for each OPA CDM program, when determining the appropriateness of the proposed budget for each of Toronto Hydro's Board-Approved CDM Programs. This is necessary as paragraph 6(a) of the CDM Directive requires that Toronto Hydro's Board-Approved CDM Programs must not duplicate Toronto Hydro's OPA CDM Programs. Budgets are indicative of program scale and an indicator of potential duplication if programs overlap particular market segments. Therefore, LIEN submits that Toronto Hydro's budget for OPA CDM Programs is a necessary input to the Board's decision on whether or not Toronto Hydro's programs duplicate those of the OPA.

April 1, 2011

WILLMS & SHIER
ENVIRONMENTAL LAWYERS LLP
4 King Street West, Suite 900
Toronto, Ontario M5H 1B6

Juli Abouchar
LSUC # 35343K

Tel: 416-862-4836
Fax: 416-863-1938

Counsel for LIEN

TO:

ONTARIO ENERGY BOARD

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

Attention: Board Secretary

Filings: www.ontarioenergyboard.ca

E-mail: Boardsec@ontarioenergyboard.ca

Tel: 1-888-632-6273 (toll free)

Fax: 416-440-7656

AND TO:

ALL REGISTERED INTERVENORS

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MOTION****WILLMS & SHIER
ENVIRONMENTAL LAWYERS LLP**

4 King Street West, Suite 900
Toronto, Ontario M5H 1B6

Juli Abouchar
LSUC # 35343K

Tel: 416-862-4836
Fax: 416-863-1938

Counsel for LIEN