

**Ontario Energy
Board**

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**Commission de l'Énergie
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BY EMAIL

April 11, 2011

Ms. Cherie Brant
Ontario Sustainable Energy Association
4 King Street West, Suite 900
Toronto, ON M5H 1B6

Dear Ms. Brant:

Re: Request for Intervenor Status and Cost Eligibility
EB-2011-0011 – Toronto Hydro-Electric System Ltd. Board-Approved CDM
Programs

This letter is in response to a request for intervenor status and cost eligibility for the above noted proceeding.

The Board grants the Ontario Sustainable Energy Association's ("OSEA") request for intervenor status; however, the Board has determined that OSEA is not eligible for an award of costs.

The Board notes that a large number of OSEA's members are either generators or distributors, which are *prima facie* ineligible under section 3.05 of the *Practice Direction on Cost Awards*, or commercial entities which based on the Board's practice are not themselves *prima facie* eligible to apply for an award of costs.

The Board finds, as it has noted in past decisions, that OSEA cannot be said to primarily represent a public interest relevant to the Board's mandate. Although OSEA may advocate with respect to public interest issues, it in large measure represents the commercial interests of its members.

The Board does have the ability under section 3.07 of the *Practice Direction* to grant costs eligibility to a party that would otherwise be ineligible where "special circumstances" exist. The Board finds that there are no such special circumstances in this case.

The granting of the intervention request is subject to Toronto Hydro-Electric System Limited's right to object.

Yours truly,

Original Signed By

John Pickernell
Assistant Board Secretary

c: Toronto Hydro-Electric System Ltd.