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July 28, 2011

EB-2011-0054

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

Dear Ms. Walli,

This letter is to provide the Ontario Energy Board with Hydro Ottawa's submission on the parties requesting intervenor status in EB-2011-0054.

The following parties have sought intervenor status in this case, as well as seeking recovery of their costs:

- Consumers Council of Canada ("CCC")
- Vulnerable Energy Consumers Coalition ("VECC")
- Energy Probe ("EP")
- School Energy Coalition ("SEC")
- Ecology Ottawa
- EnviroCentre

Hydro Ottawa has no objection to any of these parties being intervenors of record for this case. Additionally, Hydro Ottawa has no objections to CCC, VECC, EP and SEC seeking their appropriate costs in this case.

Further, Horizon Utilities and PowerStream have sought observer status. Hydro Ottawa has no objections to the observer status of Horizon Utilities and PowerStream.

Hydro Ottawa does have concerns about the requests of Ecology Ottawa and EnviroCentre to seek cost recovery for their participation in this proceeding. In this regard, Hydro Ottawa notes the provisions of the Ontario Energy Board Practice Direction on Costs Awards, revised June 9, 2009, which state in part as follows:

- 3:02 The burden of establishing eligibility for a cost award is on the party applying for a cost award.

- 3:03 A party in a Board process is eligible to apply for a cost award where the party (a) primarily represents the direct interest of consumers (e.g. ratepayers) in relation to regulated services.

Hydro Ottawa's reasons for objecting to the requests for cost eligibility by Ecology Ottawa and EnviroCentre are as follows:

1. Neither Ecology Ottawa nor EnviroCentre identify which customer groups they represent and how that representation would be different and not addressed by the other intervenors in this case representing customer groups (CCC, VECC, EP and SEC).
2. Both Ecology Ottawa and EnviroCentre appear to be service providers and do not represent a direct interest of consumers.
3. As well, Ecology Ottawa and EnviroCentre do not appear to primarily represent a public interest with respect to issues in this case.
4. Regarding EnviroCentre, it was denied costs in EB-2010-0331 and EB-2010-0332 for the above specific reasons and Hydro Ottawa is unable to distinguish what is different in this particular circumstance versus those cases which would now justify providing costs to EnviroCentre.

Overall, it is Hydro Ottawa's opinion that neither Ecology Ottawa nor EnviroCentre have met the burden on them of establishing eligibility for a cost award and therefore the Ontario Energy Board should deny their applications for cost awards.

Yours respectfully,

Original signed by P. Hoey

Patrick J. Hoey
Director, Regulatory Affairs

cc: Ecology Ottawa
EnviroCentre
EB-2011-0054 Intervenors
Violet Binette (Ontario Energy Board)