



**Zizzo Allan Climate Law LLP**

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December 2, 2011

Kirsten Walli  
Board Secretary, Ontario Energy Board  
P.O. Box 2319  
27<sup>th</sup> floor – 2300 Yonge Street  
Toronto, Ontario M4P 1E4

Dear Ms. Walli

Re: **Renewed Regulatory Framework for Electricity**  
**Late Request for Participant Status and Cost Award Eligibility**  
**Board File Numbers: EB-2010-0377, EB-2010-0378, EB-2010-0379, EB-2011-0004, and EB-2011-0043**

We are writing this letter to seek participant status and cost award eligibility with regard to all five priority initiatives to be undertaken in developing the Renewed Regulatory Framework for Electricity on behalf of our client, the Retail Council of Canada (“RCC”). If successful, RCC intends to attend the two-day staff information session on December 8 and 9, 2011; the February, 2012 Stakeholder Conference; and to provide written comments on issues identified by the Board and issues covered in the February, 2012 Stakeholder Conference.

RCC apologizes to the Board for its late submission. RCC only became aware of this important consultation process this week, and has acted as soon as possible to request participant status and cost eligibility. RCC accepts the record as it stands.

**Request for Participant Status**

RCC requests intervenor status based on the following:

1. RCC represents Ontario and Canada’s retail sectors. RCC’s members account for 80% of total retail sales in the country.
2. Retail provides jobs for 805,600 people in Ontario and is the Province’s second largest employer. Ontario is home to Canada’s largest collection of best-in-class

- retail chain head offices, distribution centres and store locations, vital links in Ontario's economy.
3. Ontario retailers of all sizes and varieties are dependent on electricity to operate, remain competitive and provide jobs and economic activity. As a result, retailers, their employees and the communities they serve have an important stake in issues relating to the pricing and dependable supply of electricity.
  4. As ratepayers who rely on electricity for their operations, RCC's members have an interest in all five of the inter-related initiatives covered in this consultation.
  5. Further to these interests, RCC seeks to work with the Board toward ensuring a cost-effective and dependable electricity system that fosters economic growth in Ontario.

### **Request for Cost Award Eligibility**

RCC is seeking a determination of Cost Award eligibility based on the following grounds:

1. RCC is a not-for-profit organization funded by membership, sponsorships fees and revenues that it derives from the services it provides to Federal and Provincial Governments and Agencies in furtherance of the retail trade in Canada.
2. RCC is the premier policy voice for retailers across Ontario and Canada. As such, RCC represents the direct interests of Ontario retailers as consumers of electricity in relation to the regulated services covered by this consultation process.
3. Retailers have an important perspective on the Renewed Regulatory Framework for Electricity because of their electricity consumption patterns. Hearing a retailer perspective will be helpful to the Board throughout this consultation.
4. RCC does not have sufficient funds to participate in this consultation process without a determination that it is eligible for a Cost Award.

### **RCC's Interests by Core Initiative**

#### **EB-2010-0377**

RCC understands that changes in Ontario's electricity sector necessitate a shift in the way the Board assesses network investment plans. As ratepayers, RCC's many Ontario members have an interest in ensuring that network investment is carried out in a cost-effective, efficient and coordinated manner so that any rate adjustments are reasonable, predictable and conducive to economic activity in the retail trade. As such, RCC would like to assist the Board in assessing proposed changes to its regulatory framework for network investment plans, including changes to the type, quality and amount of information provided to the Board regarding proposed network investments.

**EB-2010-0378**

Because of the energy use patterns of retailers, RCC's members have an interest in ensuring that their needs are represented in examinations of rate mitigation policy. RCC wishes to engage on issues surrounding creative and alternative approaches to rate treatments that will smooth the impact of rate increases and bill impacts on consumers, helping to preserve economic activity and jobs in the retail sector.

**EB-2010-0379**

RCC recognizes that the development of appropriate standards for performance and efficiency, the provision of appropriate incentives and the review of utility performance are all important tools in ensuring the cost-effective, stable and efficient implementation of Board-approved network investment plans. Because of the importance of these tools from the perspective of future energy cost and stability, RCC's members have an interest in providing their input on the development of these tools.

**EB-2011-0043**

RCC recognizes the role of effective, optimized regional planning in achieving stable electricity costs and system reliability. As ratepayers in all of Ontario's regions, RCC's members have an interest in ensuring that a cost-effective approach to the regional development of energy infrastructure is developed. RCC's members also have a large stake in the equitable attribution of cost responsibility associated with optimized regional planning.

**EB-2011-0004**

RCC's members, as ratepayers, have an interest in ensuring that the development and implementation of a smart grid in Ontario is cost effective and does not compromise the electricity supply on which they depend for their operations. Retailers are also interested in ensuring that the policies, measures and guidance on smart grid implementation allow them to leverage the many predicted benefits of a smart grid, including increased customer choice, control over consumption and innovative energy efficiency measures that could save retailers on long-run energy costs.

### **RCC Contacts**

If the relief requested in this letter is granted, RCC requests that further communications with respect to this matter be sent to the following:

#### **Gary Rygus**

Director,  
Government Relations (Ontario)  
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#### **Laura Zizzo**

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### **Requesting Cost Award Eligibility for an Expert**

If RCC's request for participant status and Cost Award eligibility is granted, RCC would like to have an opportunity to thoroughly review the Staff Discussion papers and to consult with other stakeholders to determine whether an expert report is required and, if so, whether such a report could be obtained collaboratively by a group of eligible participants with similar interests.

RCC would like to support the request made by the Canadian Manufacturers & Exporters ("CME") in their November 17, 2011 electronic filing for an extension of the deadline for eligible participants to determine whether or not to retain an expert to a date following the two-day Information Session's commencing on December 8<sup>th</sup>, 2011.



Please contact me if the Board requires any further information in relation to these requests.

Sincerely,

**Zizzo Allan Climate Law LLP**

[Signed Original Sent to Board]

Travis J. Allan

CC: G. Rygus, RCC  
M. Hall, RCC  
L. Zizzo, Zizzo Allan Climate Law LLP