



GARDINER ROBERTS

Ian A. Blue, Q.C.
Direct Line: 416 865 2962
Direct Fax: 416 865 6636
ibblue@gardiner-roberts.com
File No.: 97294

July 9, 2012

E-FILED

Ms. Kirsten Walli
Secretary
Ontario Energy Board
Suite 2700, 2300 Yonge Street (27TH Floor)
P.O. Box 2319
Toronto, ON
M4P 1E4

Dear Ms. Walli,

**Re: Toronto Hydro-Electric System Limited's ("THESL")
Application for Existing Rates
Application for 2012, 2013 and 2014 IRM Rate Adjustments and ICM Rate Matters;
EB-2012-0064 ; City of Toronto's Application for Interim Street Lighting Rates, EB-2012-0250**

We act as counsel for the City of Toronto ("the City") in these matters. The City of Toronto is Canada's largest municipality and operates under the City of Toronto Act, 2006, S.O. 2006, c. 11. Sch. "A."

The City hereby applies for intervenor status in the EB-2012-0064 proceeding on the grounds that it has a substantial interest in the subject matter of the Application. The City is a customer of THESL and receives street lighting service for which it is charged THESL's Tariff of Rates and Charges for Street Lighting Service. The current rates became effective on May 1, 2011. These 2011 rates will be the base rates to which the IRM and ICM adjustments will be added to determine rates for 2012, 2013 and 2014 using the Board's 3rd Generation Incentive Regulation for Ontario's Electricity Distributors.

The City intends to participate in the proceeding actively and responsibly by submitting interrogatories and evidence, cross examining witnesses and by submitting argument.

The City is also the Applicant in EB-2012-0250, in which proceeding it requests that the Board grant the following orders:

- An order, under s. 21(7) of the Act, making Toronto Hydro-Electric System Limited's ("THESL") existing and subsequently approved distribution rates for street lighting interim from the date of this Application until the Board's Decision/Reasons/Order on the first THESL 3GIR mechanism application or rate-rebasing application that is based upon the results of the consultation process on the underlying methodology and principles for allocating costs to the Street Lighting class and the embedding of the consequent new methodology in the Board's cost allocation model, all as recommended by the Board on page 24 of the March 31, 2011 Report Of The

GARDINER ROBERTS LLP

Scotia Plaza, 40 King Street West, Suite 3100
Toronto, ON, Canada M5H 3Y2
Tel: 416 865 6600 Fax: 416 865 6636 www.gardiner-roberts.com





GARDINER ROBERTS

Board, Review of Electricity Distribution Costs Allocation Policy ("March 2011 Report") in the Board's proceeding No. EB-2010-0219;

- An order under s.34.01 of *Ontario Energy Board Rules of Practice and Procedure*, as revised, that this motion is to be determined by the Board by means of a written hearing; and,
- Such further or other order as seems appropriate in the circumstances.

The City requests that the Board combine the City's Application EB-2012-0250 with THESL's Application herein for hearing and decision.

In any case, the City will ask the Board to take steps to clarify the terminology and methodology used to allocate costs to the street lighting class in order to ensure that this basic issue, which the Board itself has identified, does not become lost among THESL's efforts to comply with the Board's IRM and ICM rate methodology. The City will also request that THESL's 2011 Street Lighting Rates and its 2012, 2013 and 2014 rates resulting from application of Board's 3rd Generation Incentive Regulation be made interim pending completion of the consultation process recommended in the Board's March 2011 Report in EB-2010-0219.

The City requests that copies of any written evidence filed by the Applicant or other intervenors be served upon it.

The City does not intend to seek an award of costs.

The full name and address and fax number of two representative intervenors including counsel for the purposes of service and e-mailing of documents of proceeding are as follows:

Ian A. Blue, Q.C.
Gardiner Roberts LLP
40 King Street West, Suite 3100
Toronto, ON
M5H 3Y2


Mr. Ralph Frebold
Senior Financial Analyst,
Business Investment & Intergovernmental Finance,
Corporate Finance Division,
City of Toronto
5th Floor, East Tower, City Hall
100 Queen Street West
Toronto, Ontario
M5H 2N2

Fax: (416)865-6636

Fax: (416) 397-4555

Yours truly,

GARDINER ROBERTS LLP



Ian A. Blue, Q.C.



GARDINER ROBERTS

cc. Lorraine Searles-Kelly
Robert Hatton
Ralph Frebold