

August 29, 2012

BY COURIER (2 COPIES) AND EMAIL

Ms. Kirsten Walli

Board Secretary

Ontario Energy Board

P.O. Box 2319

2300 Yonge Street, Suite 2700

Toronto, Ontario M4P 1E4

Fax: (416) 440-7656

Email: boardsec@oeb.gov.on.ca

Dear Ms. Walli:

**Re: Pollution Probe – Request for Intervenor Status
EB-2011-0354 – Enbridge 2013 Rates**

We are writing to submit this late request for intervenor status on behalf of Pollution Probe for the above noted matter further to the Board's *Rules of Practice and Procedure*.

Nature of Pollution Probe's Interest and Grounds for Eligibility

Pollution Probe is a public interest advocacy group with a large membership and donor base throughout Ontario. On behalf of its members, donors and the general public, Pollution Probe intends to review and make submissions on whether the application is in the public interest.

Pollution Probe's areas of interest include the Open Bill Access Program (issue D.11.) and the demand side management ("DSM") budget (issue D. 9.). Pollution Probe supports a larger DSM budget and the establishment of an Enbridge on-bill financing DSM program as methods of simultaneously reducing greenhouse gasses and customer bills through cost effective energy efficiency upgrades.

Reasons for Late Intervention Request

Pollution Probe submits that it would be fair and reasonable to grant this late request as it has only recently become apparent to us that these important issues, which are central to Pollution Probe's mandate, will be at issue in this proceeding.

First, Pollution Probe only recently discovered that the Open Bill Access Program, which is in issue in this proceeding, could impact the creation of an Enbridge on-bill financing

DSM program. This became apparent in recent consultations in the Enbridge DSM proceeding. Pollution Probe wishes to make submissions on the Open Bill Access Program to the extent that this program may impact the establishment of an on-bill financing DSM program.

Second, Pollution Probe only recently discovered that the DSM budget is listed as an issue in this proceeding. Pollution Probe had assumed that the DSM budget would be set in the Enbridge DSM proceeding; it wishes to intervene in this rates proceeding in case the DSM budget is instead determined here.

Nature and Scope of Intended Participation

Pollution Probe intends to appear and participate at the hearing or hearings. Pollution Probe does not seek to make interrogatories or otherwise take steps that have already passed in this proceeding.

Request for Costs

Pollution Probe intends to seek an award of costs for the reasons discussed above.

Requests for Evidence and Addresses of Representative and Party

Pollution Probe requests two copies of the pre-filed evidence/materials, one to be delivered to Murray Klippenstein and myself as counsel for Pollution Probe at the law firm address above (e-mail addresses: murray.klippenstein@klippensteins.ca and kent.elson@klippensteins.ca), and one to be delivered to its consultant, Jack Gibbons of the Ontario Clean Air Alliance. Electronic copies are sufficient.

We also request that counsel (Mr. Klippenstein and Mr. Elson) and Mr. Gibbons be listed on the intervenors' list under Pollution Probe, since this makes the later distribution of updates more effective. Mr. Gibbons is located at:

Ontario Clean Air Alliance
160 John Street, Suite 300
Toronto, Ontario M5V 2E5
Telephone: (416) 260-2080 ext. 2
Facsimile: (416) 598-9520
E-mail: jack@cleanairalliance.org

Pollution Probe's full name and address is:

Pollution Probe Foundation
150 Ferrand Drive, Suite 208
Toronto, Ontario M3C 3E5
Telephone: (416) 926-1907
Facsimile: (416) 926-1601

Please send correspondence and any other materials to both Jack Gibbons and to counsel as the authorized representatives.

Service on other Parties

Pollution Probe requests the Board's directions as to whether this letter should be served on any other parties.

Please do not hesitate to contact me if anything further is required.

Yours truly,

A handwritten signature in blue ink, appearing to be 'K. Elson', written over the text 'Yours truly,'.

Kent Elson

CC: The Applicant and Intervenors per Appendix A of Procedural Order No. 1