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April 2, 2013

Kristin Walli, Board Secretary  
Ontario Energy Board  
Suite 2701  
Toronto, ON  
M4P 1E4

Dear Ms. Walli:

Re: EDA Stay Application- VECC Cost Claim, EB 2012-0414

We are in receipt of the correspondence from counsel to the Electricity Distributors Association (EDA) responding to the costs submissions of the Vulnerable Energy Consumers Coalition (VECC) in the above-noted matter. We would wish to direct some brief comments with respect to the same.

Counsel for EDA does not dispute the hours claimed by counsel. As the claim discloses, a total of 17.3 hours were spent, reviewing the application and supporting documents, researching the issues, initiating a process to correct the service errors of the applicant, reviewing the submissions of staff, submitting brief written submissions, preparing oral submissions, and attendance and representation at the hearing of the application. Counsel for EDA, instead, is unhappy with VECC's written submissions and its position on the merits of the application. As well, EDA, once again, questions VECC stake in this proceeding and recommends reduction of the cost claim to a nominal amount.

Counsel for VECC had the advantage of reviewing both the applicants and the Board Staff written submissions on the accepted criteria for the granting of a stay. There was general agreement as to the governing law in their factums. Rather than file something duplicative, VECC counsel adopted staff submissions concerning the same and sought to raise the facts on the record to meet the requisite test in oral submissions at the hearing of the matter. This is hardly an unreasonable position, and one that VECC has adopted in conformance with the OEB Rules of Practice for Costs, in that regard. A review of the costs claimed by intervenors in this proceeding to date shows that while VECC has been a full participant in this rather convoluted proceeding, its cost claim has been considerably smaller than its peers.

Counsel for EDA is simply incorrect in his assertions that VECC failed to identify its stake in this proceeding (Transcript 96-99), nor addressed the specific issues raised by the stay application. With respect to the latter assertion, counsel for VECC notes the comments that its counsel directed to the issue of balance of convenience/harm (Transcript 93-98) as well the EDA counsel's parsing and interpretation of the forbearance section of the *Act* in his oral submissions (Transcript 91-93, 99-101).

Unless, instructed otherwise, VECC counsel will continue to try and match the amount of work done in a proceeding with the need for its advancement to assist the Board. VECC's costs claim in this application reflects this principle. VECC accordingly requests that the request of the EDA for a reduction of its claim from the minimal to the nominal be rejected.

Yours truly

Michael Janigan  
Counsel for VECC

cc. Alan H. Mark

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