

EB-2013-0024

ONTARIO ENERGY BOARD

IN THE MATTER OF the *Ontario Energy Board Act, 1998*,
S.O. 1998, c. 15, Sch.B, as amended;

AND IN THE MATTER OF the Electricity Act, 1998
s.1(e)(f) ,s.38 ; the *Ontario Energy Board Amendment Act*
(*Electricity Pricing*), 2003,s.6(1); the Condition of Service s.1.6;

AND IN THE MATTER OF an Application by Enersource Hydro
Mississauga Inc. for permission to change its delivery charges
beginning May 1, 2013 to reflect the recovery of costs
associated with lost revenues in 2011 and 2012 from the
persistence of conservation and demand management ("CDM")
programs implemented prior to 2011.

NOTICE OF MOTION FOR INTERVENTION

To: Ms. Kirsten Walli
Board Secretary
And to: Enersource Hydro Mississauga Inc.
Attention: Ms. Gia DeJulio

1. Lubov Volnyansky hereby expresses her intention to intervene and
participate in the above-mentioned proceeding in order to ensure that her consumer
rights are protected according to s.1 (f) of the Electricity Act, 1998:

The purposes of this Act are, (f) to protect the interests of consumers with
respect to prices and the adequacy, reliability and quality of electricity
service;

2. Enersource Hydro Mississauga Inc. ("Enersource") has applied to the Ontario
Energy Board (the "Board") for permission to change its delivery charges beginning
May 1, 2013 to reflect the recovery of costs associated with lost revenues in 2011
and 2012 that violates the Consumer rights under s.1.6 of the Condition of Service
which indicates that the Consumer is not liable "...under any circumstances for any
loss of profits or revenue..".

3. The Application relates to rates for the distributing of electricity may be made
only with the written approval of the Minister. The Approval was not received or was

not served that contradicts s.6(1) the *Ontario Energy Board Amendment Act (Electricity Pricing)*, 2003.

Applications under s. 78

(1) An application for an order under section 78 may be made only with the written approval of the Minister if the application relates to,

- (a) rates for the distributing of electricity; or
- (b) rates for the retailing of electricity in order to meet a distributor's obligations under section 29 of the *Electricity Act, 1998*. [emphasis added]

4. The Delivery charges include "Customer charge" (the amount of \$28.16 November1,2011) per regular billing period regardless of the amount of electricity consumed, and this in a similar way "membership" charge is **unreasonable** and **discriminatory** for the clients with the consumption of electricity around 500 kWh per billing period and can be constitutes as the abuse or possible abuse of market power under s.38 of the Electricity Act.

4. Enersource has violated s.1(e) of the Electricity Act,1998, by not providing non-discriminatory access to transmission and distribution systems in Ontario by imposing the vulnerable energy consumers to **double** charges for electricity and has infringed the human rights to equal treatment with respect to services under s.1 and s.9 of the Ontario Human Rights Code.

5. An oral hearing is necessary based on the gravity of violations.

DATED AT MISSISSAUGA, April 4, 2013

Lubov Volnyansky

