

September 20, 2013

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File 15441.00001

Kirsten Walli
Board Secretary
Ontario Energy Board
Suite 2701
2300 Yonge Street
Toronto ON M4P 1E4

Dear Ms Walli:

**Re: Toronto Hydro-Electric System Limited ("THESL")/
Ontario Energy Board ("Board") File No. EB-2013-0234/
Requests for intervenor Status by Vulnerable Energy Consumers Coalition and
Energy Probe Research Foundation**

We are counsel to the applicant THESL in this matter. In that capacity we have received from Mr. MacIntosh a copy of the Notice of Intervention ("Notice") of Energy Probe Research Foundation ("Energy Probe") dated September 16, 2013, and from Mr. Janigan the amended Notice of Intervention of the Vulnerable Energy Consumers Coalition ("VECC") dated September 19, 2013.

As a general matter, THESL does not object to the constructive participation of legitimate intervenor interests in Board proceedings, in accordance with the Board's *Rules of Practice and Procedure* ("Rules"). To the contrary, THESL believes that focussed and constructive participation of intervenors in the Board's processes can add value and contribute to a robust exploration of the particular issue(s) before the Board.

However, to THESL's knowledge, the Board's Rules do not permit generic interventions. In order to promote effective and productive proceedings, the Board requires that intervenors specify a substantial interest in the matter, and that they clearly specify the nature and scope of their intended participation. The Board's Rules accordingly encourage the focussed and meaningful hearing of applications and the effective and efficient testing of evidence before the Board, within the bounds of the matters at issue in any given proceeding.

THESL's submissions regarding the interventions filed in this application are directed at compliance with the existing Board Rules. THESL is attempting discern the specific interests of

intervenors so that the Board may assess the appropriateness of the proposed interventions and organize the subsequent steps in the proceeding in the most efficient manner.

As THESL has stated in its application, the relief it seeks will have no effect on its distribution services. The granting of the application will be a benefit to ratepayers in that, by allowing THESL to charge a competitive rate, it will eliminate the current subsidy provided by ratepayers to wireless attachers. Further, excess of revenues over costs will be used to the benefit of ratepayers, pursuant to a mechanism determined – appropriately – within a THESL rate application.

THESL respectfully submits that Energy Probe's Notice does not appear to comply with Rule 23.02 or Rule 23.03. THESL submits that Energy Probe's Notice would be substantially improved if the following issues were addressed.

1. Who are the thousands of supporters referred to in the Notice, and what is their substantial interest in the issue of whether the attachment of wireless telecommunications devices to poles in Toronto should continue to be regulated?
2. What are the issues in THESL's application that Energy Probe believes to be in the public interest? On what basis does Energy Probe say its represents to the public interest, in the context of this application?
3. Is Energy Probe's interest in the particular issues in this application different from other groups representing consumers?

THESL respectfully requests that the Board give Energy Probe an opportunity to respond to these questions before deciding to grant Energy Probe intervenor status, and determine that Energy Probe is eligible to make a claim for costs, to be paid by THESL's ratepayers.

In contrast to Energy Probe's Notice, VECC's Notice of Intervention, as amended, in our view meets a reasonable standard of specificity. This Notice of Intervention, as amended, complies with the Board's Rules, and provides the Board and THESL with a clear idea respecting the interest VECC wishes to pursue.

Without this specificity the interests of the intervenors are indistinguishable one from the other. The interrogatory process may become highly duplicative, and the proceeding as a whole may become unfocussed and inefficient.

In the interest of an effective proceeding, THESL proposes that Energy Probe be given an opportunity to perfect its Notice so as to comply with the Rules. THESL submits that the same latitude – that is an opportunity to perfect the Notice – should be afforded to other intervenors as well.

Yours very truly,

WeirFoulds LLP

A handwritten signature in dark ink, appearing to read 'R. B. Warren', with a long horizontal line extending to the right.

Robert B. Warren

RBW/dh

cc: David MacIntosh
Michael Janigan
Amanda Klein
Rob Barrass

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