

March 6, 2015

Ms. Kirsten Walli
Ontario Energy Board
2701 - 2300 Yonge Street
Toronto, ON M4P 1E4

Dear Ms. Walli:

**North Bay Hydro Distribution Ltd. (NBHDL)
Cost of Service Application - Board File No. EB-2014-0099**

The North Bay Taxpayers Association (NBTA) has enclosed its response to the February 27, 2015 and March 5, 2015 submissions by NBHDL regarding NBTA's notice of intervention in the above-noted cost of service application.

NBTA would also like to inform the Board that Mr. Rennick will be unavailable from March 31 to April 11, 2015 and respectfully requests that the Board take this into consideration when scheduling submission deadlines or oral evidence hearings.

Yours very truly,

North Bay Taxpayers' Association

D. D. Rennick, CPA, CA
Treasurer

cc: Melissa Casson, NBHDL

IN THE MATTER OF the *Ontario Energy Board Act 1998*,
S.O.1998, c.15, (Schedule B);

AND IN THE MATTER OF Application by
North Bay Hydro Distribution Limited (**NBHDL**)
for an order approving just and reasonable rates
and other charges for electricity distribution
to be effective May 1, 2015.

EB-2014-0099

**Reply submission to the February 27, 2015 and March 5, 2015 submissions of
NBHDL regarding the application of the North Bay Taxpayers' Association (NBTA)
for intervenor status in the above noted COS application**

Mar 6, 2015

1. NBTA submits this reply submission pursuant to rule 22.08 of the Ontario Energy Board's (Board) Rules of Practice and Procedure (Rules).
2. **(NBHDL – 3)** NBTA was not in existence at the time that application EB-2009-0102 was filed by NBHDL. Any decisions made regarding that intervention have no bearing on this application. However, Mr. Rennick would like to note that the Board's denial of the claim for time spent was based on their decision that he did not represent any other ratepayers which was not a representation that Mr. Rennick made.
3. **(NBHDL – 4)** NBTA was formed in December, 2012 and was in existence at the time of the EB-2013-0157 application. However, the NBTA was not involved in Mr. Rennick's intervention in that application and any decisions regarding that application have no bearing on this application.

However, Mr. Rennick's request for costs in that application was specifically limited to out of pocket expenses and the reference by the Board in the Board's Procedural Order 1 to costs associated with his time was not relevant.
4. **(NBHDL – 5)** NBTA is perplexed at NBHDL's "concern" regarding the fact that Mr. Rennick might be applying as an individual but is attempting to disguise the fact by applying under the auspices of "a taxpayers' association". As required by the Rules - Section 22.03 (a) thru (g) - excluding 22.03 (b) since the NBTA is technically not a frequent intervenor), NBTA clearly states a description of the organization, its membership and its interest in the proceedings and the grounds for intervention.

NBTA has also included in its application a request for written evidence (with a proviso to request oral evidence at a later date), described its intentions regarding cost awards and supplied the necessary contact information.

5. **(NBHDL – 6)** NBDHL’s statement that a name search of Industry Canada resulted in “no hits” is unusual and NBTA does not understand the point that the applicant is trying to make by providing this information.

NBHDL might like to visit our [website](#) for further information on our organization or search the City web site for the [Mayor’s speech](#) of January 6th following the passing of the 2014 budget where he thanked NBTA for their input into budget deliberations or search the Nugget archives and see how many “hits” they get, specifically which organization was voted 2013 [newsmaker](#) of the year or NTBA’s [call for transparency](#) at NBHDL

6. **(NBHDL – 7 & 8)** NBTA has not requested costs for time spent and NBHDL’s acceptance is superfluous. Just a confusing is that NBHDL’s corrected submission dated March 4, 2015 indicates that they are objecting to NBTA’s cost claim.

7. **(NBHDL – 8)** NBTA submits that it did not suggest that it was “the exclusive advocate for the interests of North Bay ratepayers making up the entire customer base of NBHDL.” NBTA’s application stated was that “it is the only intervenor who is the exclusive advocate for the interests of North Bay ratepayers who make up the applicant’s entire customer base”. In other words, SEC represents school boards across Ontario, VECC represents vulnerable consumers across Ontario, Energy Probe represents residential customer supporters across Ontario while NBTA is advocating exclusively for the interests of North Bay ratepayers and North Bay ratepayers are the entire customer base of NBHDL.

8. **(NBHDL – 9)** NBTA confirms its request to participate and its appointment of Mr. Rennick as its representative. NBTA objects to the NBHDL provisos of its acceptance of Mr. Rennick as being suggestively specious and argumentative.

9. **(NBHDL – 9)** Cost of Service applications are evidence based. As such, intervenors are entitled to consider any item in the application as evidence that has been included to support changes in delivery rates and therefore relevant.

10. **(NBHDL – 10)** The NBTA has a number of questions regarding the evidence in the cost of service application. Those questions, which will be submitted in due course, will not necessarily be limited to the questions that NBHDL would like to answer.

11. **(NBHDL – 11)** Under the Section 27.02 of the Rules, NBHDL will have an opportunity to file responses to interrogatories as it deems fit. The statement of NBHDL's expectation of Mr. Rennick regarding materiality is gratuitous.

12. **(NBHDL – 12)** NBTA is confident that NBHDL's submission regarding NBHDL's expectations of the Board at the cost award stage will be welcomed by them.

13. NBTA is slightly unsure of NBHDL's intent in filing this submission. Their intention is unclear in the original filing but is described as an objection to NBTA's cost claim in the correction dated March 4, 2015. However, in both cases, NBDHL seems to have no objection to NBTA's stated intentions regarding expenses made in its application.

14. NBTA would remind NBHDL that it has banned the public and the press from all NBHDL meetings and that NBHDL has operated without independent oversight since rates were set on May 1, 2010. In addition, these cost of service hearings have now been set to take place every five years instead of four years which will further limit public scrutiny of their operations. These facts demonstrate that any substantive public input into how ratepayers' funds are being spent or will be spent occurs only once in every five year period.

15. NBTA understands that the NBHDL may find it onerous to answer what it may consider pointed questions but would like to remind the applicant that the funds they receive are public funds from the ratepayers/owners of the company who are entitled to determine whether or not they are receiving value for money.

16. NBTA would also submit that these hearings have been established as a requirement for the benefit of ratepayers/owners and not for the benefit of the applicant.

17. NBTA submits that NBHDL's submission in this matter is vexatious and unfocused and the statements made in the submission are not materially relevant to NBTA's intervenor application and also an attempt to affect the line of questioning of the evidence contained in the COS application.

18. NBTA also submits that NBDHL's submission is an inefficient use of ratepayer funds which, regardless of the Board's decision, will have no material effect on proceedings.

All of which is respectfully submitted, March 6, 2015

NORTH BAY TAXPAYERS ASSOCIATION

Original signed by D. D. Rennick, Treasurer
