



## **Jay Shepherd**

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### **BY EMAIL and RESS**

October 13, 2015  
Our File No. 20150075

Ontario Energy Board  
2300 Yonge Street  
27<sup>th</sup> Floor  
Toronto, Ontario  
M4P 1E4

### **Attn: Kirsten Walli, Board Secretary**

Dear Ms. Walli:

### **Re: EB-2015-0075 – Horizon 2016 Rates – SEC Late Intervention**

We are counsel for the School Energy Coalition. We enclose SEC's Notice of Intervention in this matter, and request that the Board accept this notice although we filed late.

It was our original intention not to intervene in this proceeding. We knew that other parties would be there, and the rates for 2016 had been set out in some detail in the EB-2014-0002 proceeding. At the time of Procedural Order #1, it was brought to our attention that some of the rates being proposed may be materially different from those set out in that proceeding. We have confirmed that to be the case, although we have so far been unable to determine the reasons for those differences. Our intervention flows from the unexpected level of some of the rates.

We therefore request that the Board accept our intervention on a late-filed basis.

It is normally the case that any party who intervenes late must accept the record as it is, and SEC does so, with one caveat.

We have reviewed Procedural Order #1, and we note that the Technical Conference will not be transcribed. It is not clear to us how the information delivered at the Technical Conference will become part of the record in this proceeding without a transcript. Conversely, if it is not intended to be part of the record, then since there are no interrogatories, the record would be



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limited to the Application, without the results of any discovery. This would appear to be problematic, and make it difficult for parties to make any submissions on the Application that were not totally in support of the relief requested by the utility.

We therefore request that the Board clarify how the information at the Technical Conference will become part of the record of the proceeding, or, in the alternative, that the Board amend PO#1 to provide that the Technical Conference will be transcribed.

All of which is respectfully submitted.

Yours very truly,

**JAY SHEPHERD P. C.**

Jay Shepherd

cc: Wayne McNally, SEC (email)  
Interested Parties

**ONTARIO ENERGY BOARD**

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

**AND IN THE MATTER OF** an Application by Horizon Utilities Corporation for an Order approving rates and other service charges for the distribution of electricity as of January 1, 2016.

**NOTICE OF INTERVENTION**

**OF THE**

**SCHOOL ENERGY COALITION**

1. The School Energy Coalition (“SEC”) applies for intervenor status in this proceeding.
2. SEC is a frequent intervenor in Board proceedings. Our current Annual Filing can be found on the Board’s website, here:

<http://www.rds.ontarioenergyboard.ca/webdrawer/webdrawer.dll/webdrawer/rec/462191/view/>

3. The School Energy Coalition intends to apply for recovery of its costs reasonably incurred in the course of its intervention in this matter. SEC has participated in many past natural gas and electricity proceedings in Ontario, including consultations, rate cases, and other processes and hearings, and has been found eligible to be paid its reasonably incurred costs in all of those proceedings.

**Issues to be Addressed**

4. SEC’s intended participation will focus on the following issues:
  - a. The proposed methodology used for setting rates for the period beginning January 1, 2016, its consistency with the Board-approved methodology, and the consistency of the results with the results forecast in EB-2014-0002;
  - b. The cost allocation and rate design proposed for the collection of the revenue requirement and deficiency from customers;
  - c. Reliability, customer service, and other outcomes achieved and proposed by the Applicant;
  - d. All requests for creation and/or clearance of deferral accounts, and all other components of the Application; and
  - e. Generally to represent the interests of school boards and their students in this process.

### **The Intervenor's Intended Participation**

5. The School Energy Coalition intends to participate in any pre-hearing procedures, including interrogatories or technical conferences, and settlement conferences. SEC also intends to participate in any oral hearing of this matter, and in written or oral submissions, as well as any other parts of the process that the Board should order.

### **Nature of Hearing Requested**

6. Until interrogatories have been answered, we believe it is premature to assess whether a written or an oral hearing is more appropriate in this proceeding.

### **Counsel/Representative**

7. SEC requests that a copy of all documents filed with the Board by each party to this proceeding be served on the intervenor, and on the intervenor's counsel, as follows:

- a. School Energy Coalition: (electronic copies only)

**ONTARIO EDUCATION SERVICES CORPORATION**  
**c/o Ontario Public School Boards Association**  
439 University Avenue, 18<sup>th</sup> Floor  
Toronto, ON  
M5G 1Y8

Attn: Wayne McNally, SEC Coordinator  
Phone: 416 340-2540  
Fax: 416 340-7571  
Email: [wmcnally@opsba.org](mailto:wmcnally@opsba.org)

- b. SEC's counsel: (both electronic and paper copies)

**JAY SHEPHERD PROFESSIONAL CORPORATION**  
2300 Yonge Street, Suite 806  
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Attn: Jay Shepherd  
Phone: 416-483-3300  
Phone: 416-804-2767  
Fax: 416-483-3305  
Email: [jay.shepherd@canadianenergylawyers.com](mailto:jay.shepherd@canadianenergylawyers.com)

with an electronic copy to:

Attn: Mark Rubenstein  
Phone: 416-483-3300  
Fax: 416-483-3305  
Email: [mark.rubenstein@canadianenergylawyers.com](mailto:mark.rubenstein@canadianenergylawyers.com)

Respectfully submitted on behalf of the School Energy Coalition this October 13, 2015.

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Jay Shepherd  
Counsel for the School Energy Coalition