

VIA COURIER, EMAIL and RESS

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October 20, 2015

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

Attention: Kristi Sebalj, Registrar

Dear Ms Sebalj:

Re: EB-2015-0075/Motion of the City of Hamilton

We are counsel to the City of Hamilton. On behalf of our client we enclose herewith its Motion Record for a Motion seeking an order to be granted intervenor status in this matter.

With the original of this letter we are delivering two copies of the Motion Record.

Yours truly,

WeirFoulds LLP



Robert B. Warren

RBW/dh

cc: Horizon Utilities Corporation, Attention: I. Butany-DeSousa
cc: Borden Ladner Gervais, Attention: J. Sidlofsky
cc: City of Hamilton, Attention: M. Kovacevic
cc: All Parties
8606456.1

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 or Orders approving or fixing just and reasonable rates and other service charges for the distribution of electricity as of January 1, 2016.

MOTION RECORD OF THE CITY OF HAMILTON

WeirFoulds LLP

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AND TO: **All Parties**

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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 or Orders approving or fixing just and reasonable rates and other service charges for the distribution of electricity as of January 1, 2016.

NOTICE OF MOTION

THE CITY OF HAMILTON (the “City”) will make a motion to the Ontario Energy Board (“OEB”) on a date and at a time to be fixed by the OEB at the OEB’s Chambers at 2300 Yonge Street, Toronto, Ontario.

PROPOSED METHOD OF HEARING: the City proposes that the motion be heard in writing.

THE MOTION IS FOR:

1. An order granting the City status as an intervenor in the application of Horizon Utilities Corporation (“**Horizon**”) for an order approving just and reasonable rates and other service charges for distribution of electricity as of January 1, 2016.
2. Such other order as the Board deems appropriate.

THE GROUNDS FOR THE MOTION ARE:

1. The City is a ratepayer of Horizon, in that it pays Horizon for the provision of street lighting services.
2. The City intervened in, and was an active participant in, EB-2014-0002, an application by Horizon for an order approving rates for the period from January 1, 2015 to December 31, 2019.
3. In EB-2014-0002, the City sought, among other relief, an order freezing street light rates of Horizon on the basis that the OEB was reviewing its cost allocation policy related to, among other things, street lighting rates.
4. In its decision in EB-2014-0002, the OEB denied the City’s request to freeze street lighting rates but held that, if the review of cost allocation resulted in a direction from the OEB concerning the methodology for cost allocation related to street lighting rates applicable to Horizon, Horizon could adjust street lighting rates accordingly.

5. On or about June 12, 2015, the OEB issued a new cost allocation policy for the street lighting rate class. The effect of that policy, when implemented, would be to reduce, substantially, the rates which the City would have to pay for street lighting services.
6. Horizon's pending application for approval of rates as of from January 1, 2016 implements the OEB's new cost allocation policy for the street lighting rate class. Horizon's application, if granted, would address the concerns of the City with the rates charged for street lighting services.
7. The City has been aware of the terms of Horizon's pending application. However, that application appeared, to the City, to appropriately implement the OEB's new policy, the City elected not to intervene.
8. A number of parties have intervened in Horizon's pending application. It would appear, from the materials filed by some of those parties, that one or more of them may challenge the way in which Horizon proposes to implement the OEB's new cost allocation policy for the street lighting rate class.
9. Any change to the way in which Horizon proposes to implement the OEB's new cost allocation policy for the street lighting rate class would have an adverse impact on the City. Given that, the City wishes to intervene in order to make submissions with respect to Horizon's proposal.
10. Such further and other grounds as Counsel may advise.

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of the motion:

1. The Affidavit of Gord McGuire, sworn the 20th day of October, 2015;
2. Such further and other material as counsel may advise and the OEB permit.

October 20, 2015

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AND TO: All Parties

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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 or Orders approving or fixing just and reasonable rates and other service charges for the distribution of electricity as of January 1, 2016.

**AFFIDAVIT OF GORD MCGUIRE
SWORN OCTOBER 20TH 2015**

I, **Gord McGuire** of the City of Hamilton, in the Province of Ontario, **MAKE OATH AND SAY:**

1. I am employed by the City of Hamilton (the “**City**”) as the Manager of Geomatics and Corridor Management in the Department of Public Works. In that capacity, I am responsible for, among other things, assessing the rates which are charged to the City by Horizon Utilities Corporation (“**Horizon**”) for street lighting services. I have knowledge of the matters herein deposed.

2. The City intervened, and actively participated in, EB-2014-0002, which was Horizon’s application for an order approving just and reasonable rates for electricity distribution for the period from January 1, 2015, to December 31, 2019. That application will be referred to hereinafter as the “**Horizon 2014 Application**”. The City intervened because it is a ratepayer of Horizon in that it pays for street lighting service.

3. In intervening in the Horizon 2014 Application, the City took the position that Horizon’s rates for street lighting services should be frozen until the OEB had completed its review of its cost allocation policy for unmetered loads. It was the City’s position that the

outcome of that review would likely result in a reduction in the rates the City would have to pay for street lighting services.

4. In its decision in the Horizon 2014 Application, the OEB rejected the City's request that the rates for street lighting services be frozen, but indicated Horizon would adjust street lighting rates in accordance with any new policy concerning the methodology for cost allocation related to the street lighting application to Horizon.

5. On or about June 12, 2015, the OEB issued a new cost allocation policy for the street lighting rate class. If that policy were implemented, it would result in a reduction in the rates paid by the City for street lighting services.

6. Horizon has filed an application for approval of rates effective January 1, 2016 (the "**Horizon 2015 Application**"). In that application, Horizon proposes rates for the street lighting rate class which reflect the OEB's new policy.

7. The City was aware of the Horizon 2015 Application and, in particular its proposals with respect to street lighting rates and cost allocation. In light of the fact that the Horizon 2015 Application appeared, to the City, to appropriately address street lighting rates and cost allocation policy, the City elected not to intervene in the application.

8. Several parties have intervened in the Horizon 2015 Application. Based on the materials which some of those parties have filed, it would appear that one or more of those parties intend to challenge the way in which Horizon proposes to implement the new cost allocation policy for the street lighting rate class and Horizon's cost allocation proposal generally. Were those parties to be successful in those challenges, the City would be adversely affected.

9. In light of the potential adverse impact on the outcome of the Horizon 2015 Application, the City wishes to intervene to make submissions with respect to Horizon's proposal for street lighting rates and cost allocation.


10. The City will take the record as it exists. In addition, the City will not be applying for an award of costs.

11. I make this affidavit in support of a Motion seeking an order granting the City status as an intervenor in EB-2015-0075, the Horizon 2015 Application.

SWORN BEFORE ME at the City of
Hamilton, in the Province of Ontario,
this 20th day of October, 2015.



Commissioner For Taking Affidavits



GORD MCGUIRE

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