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December 7, 2015

Kirsten Walli, Board Secretary
Ontario Energy Board
Suite 2700 2300 Yonge Street
Toronto Ontario, M4P 1E4.

Dear Ms Walli

Re EB – 2015 – 0179

We act for EPCOR Utilities Inc. in this matter. In Procedural Order No. 2, November 30, 2015 the Board asked parties that anticipate filing evidence to notify the Board of their intention and to provide a description of the nature of that evidence by December 7, 2015.

EPCOR intends to file evidence. The nature of that evidence is that the TCS charge of two dollars per month from existing customers proposed by Union discriminates against new gas utilities entering the province to provide service in unserved markets because they are not eligible to receive these support funds. The funds are available only to Union.

In addition, the discriminatory nature of the manner in which this fund is administered compromises the use of competitive bidding processes by Municipalities to attract new utilities to provide natural gas service in unserved markets. It will be EPCOR's evidence that these competitive bidding processes are in the public interest.

The EPCOR witness will be Dr. Brian Rivard whose curriculum- vitae is attached. His evidence will include an examination of the modifications to the TCS charge that will eliminate its discriminatory nature. His evidence will include recommendations regarding conditions the Board should require in franchise agreements that will allow new utilities greater access to unserved markets.

The Board's letter of February 18, 2015 invites parties "with the appropriate financial and technical expertise to propose one or more plans for natural gas expansion". EPCOR is such a party. The company is a \$6 billion dollar utility wholly owned by the City of Edmonton with electricity assets in Alberta and water assets in Alberta, British Columbia, Saskatchewan, Arizona and New Mexico. The company was recently successful in a competitive bidding process to obtain an Ontario natural gas franchise in South Bruce County. The EPCOR evidence will include a party involved in designing and administering that process who will explain the importance of competitive bidding and the importance of a level playing field.

Sincerely,

Gordon Kaiser

cc: Chris Ripley, Union Gas; Charles Keizer, Torys

Brian Rivard
Principal

PhD, Economics
University of Western Ontario

MA, Economics
University of Western Ontario

BA, Economics
University of Windsor

Brian Rivard is a principal in CRA's Energy Practice. Prior to joining CRA, Dr. Rivard was the Director of Markets at the Independent Electricity System Operator (IESO) in Ontario. While working at the IESO, Dr. Rivard was responsible for providing analysis of the impacts of changes to the IESO Market Rules or Market Design, government policies, and other industry initiatives. For almost 15 years at IESO, he helped support the development of market-based approaches to managing Ontario's electricity system needs.

In addition, Dr. Rivard spent six years as a senior economist with the Canadian Competition Bureau. He has written articles for various publications such as the *Canadian Competition Record*, *Antitrust Law Journal*, and the *Journal of Economic Theory* as well as chapters included in *Competition Policy and Intellectual Property Rights in the Knowledge-Based Economy* and *Payments Systems in the Global Economy: Risks and Opportunities*.

Professional history

- A. 2015–Present *Principal*, Charles River Associates, Toronto
- B. 2013–2015 *Director, Markets*, IESO
- C. 2010–2013 *Manager, Regulatory Affairs and Sector Policy Analysis*, IESO
- D. 2006–2010 *Manager, Economics*, IESO
- E. 2005–2006 *Director of Economics, Analysis*, Bell Canada Enterprise
- F. 2000–2005 *Special Economic Advisor*, IESO
- G. 1999–2000 *Senior Economist*, LECG-Navigant Consulting, Inc.
- H. 1996–1999 *Senior Economist*, Canadian Competition Bureau
- I. 1993–1996 *Economist*, Canadian Competition Bureau
- J. 1991–1993 *Lecturer*, University of Western Ontario

Papers published

“Recent Developments In Competition Policy: The IPEGs.” With Chantale LaCasse. *Canadian Competition Record*, spring 2001.

“Antitrust Policy Towards EFT Networks: The Canadian Experience in the Interac Case.” With R. Anderson. *Antitrust Law Journal*, Vol. 67, issue 2, July 1999.

“Interac, Essential Facilities and Access to Electronic Funds Networks: A Comment on Mathewson and Quigley.” With Roger Ware. *Canadian Competition Record*, Vol. 18, No. 4, winter 1998.

“Monopolistic Competition, Increasing Returns and Self-fulfilling Prophecies.” *Journal of Economic Theory*, Vol. 6, No. 2, April 1994.

Chapters in books

“Intellectual Property Rights and International Market Segmentation in the North American Free Trade Area.” With R. Anderson, P. Feuer and M. Ronayne. In *Competition Policy and Intellectual Property Rights in the Knowledge-Based Economy*. Edited by R. Anderson and N. Gallini. Calgary: University of Calgary Press, 1998, pp. 397-429.

“The Competition Policy Treatment of Shared EFT Networks: The Interac Case.” With R. Anderson. In the Proceedings of 34th Annual Conference on Bank Structure and Competition on *Payments Systems In the Global Economy: Risks and Opportunities*, 1998.

Working papers

“A Dynamic Model of Advertising.” With I. Horstmann.

“Impeding Toe-hold Entry Through Exclusive Contracts.” With A. Baziliauskas.

Other scholarly professional activity

K. External Referee for the *Energy Journal*

L. Part-Time Instructor at Ryerson University, 2004

M. Former Chair and current member of the ISO-RTO Council Markets Committee