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January 15, 2016
Our File No. 64996

Ontario Energy Board
23 Yonge Street, Suite 2700
Toronto, ON M4P 1E4

Attention: Ms. Kristen Walli, Board Secretary

Dear Ms. Walli,

**Re: Regional Planning and Cost Allocation Review - EB-2016-0003; and
Intent to Participate and Request for Cost Award Eligibility**

The law firm of Weiler, Maloney, Nelson has been retained as external counsel for the following parties with respect to the above noted matter:

- Northwestern Ontario Associated Chambers of Commerce (“NOACC”);
- Common Voice Northwest (“CVNW”);
- Northwestern Ontario Municipal Association (“NOMA”);
- The Corporation of the City of Thunder Bay (the “City of Thunder Bay”);
- The Corporation of the Municipality of Red Lake (the “Municipality of Red Lake”);
- The Corporation of the Township of Ear Falls (the “Township of Ear Falls”);
- The Corporation of the Township of Pickle Lake (the “Township of Red Lake”); and
- The Corporation of the Municipality of Greenstone.

(collectively the “NOACC Coalition”).

In response to the Ontario Energy Board (“OEB”) letter dated January 7, 2016, the NOACC Coalition, and its respective members individually, are requesting standing as Interested Parties.

Background

NOACC:

NOACC represents over 2000 commercial and business consumers in the Northwest Region, primarily small business, in their capacity as ratepayers for regulated services. NOACC covers a

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large geographical area that includes every Chamber of Commerce from Marathon to the Manitoba border.

The mandate, objectives and types of programs or activities that NOACC carries out are attached hereto as Appendix "A".

Common Voice Northwest

Common Voice Northwest is a corporation duly incorporated in the province of Ontario. CVNW began as an alliance between NOMA and NOACC and others which led to the creation of a formal coalition of interested organizations to advise them on issues related to Northwestern Ontario. The mandate, objectives and types of programs or activities that CVNW carries out are attached hereto as Appendix "B".

CVNW has absorbed a NOMA created subcommittee, the Energy Task Force ("ETF"). The ETF is a research facility with a specific mandate to investigate and make recommendations on issues related to energy issues in the Northwest Region.

NOMA

NOMA represents the interests of the ratepayers in all of the municipalities from Kenora and Rainy River located in the west to Hornepayne and White River in the east. One hundred percent of the Municipalities in the Districts of Kenora, Rainy River and Thunder Bay are members of NOMA. NOMA provides leadership in advocating the interests of those ratepayers and the Northwest Region generally. The mandate, objectives and types of programs or activities that NOMA carries out are attached hereto as Appendix "C".

City of Thunder Bay, Red Lake, Ear Falls, Pickle Lake and Greenstone

The City of Thunder Bay is the largest municipality of ratepayers in the Northwest Region. The City of Thunder Bay, combined with the Municipality of Red Lake, the Township of Ear Falls, the Township of Pickle Lake, and the Municipality of Greenstone, together, represent nearly 50% of the ratepayers of the Northwest Region.

Substantial Interest

NOACC has a substantial interest in this consultation because NOACC:

1. represents the member businesses of the individual Chambers of Commerce throughout the Northwest Region;
2. understands and can speak to the direct interests of the industrial, business, commercial and residential ratepayers throughout the Northwest Region (population approximately 250,000);

3. membership will be directly impacted by the amendments to the Transmission System Code (“TSC”) and Distribution System Code (“DSC”) with respect to cost responsibility;
4. is keenly aware of the short, medium, and long terms issues with respect to transmission and generation its members face in the Northwest Region, and as such can provide important and unique perspectives of ratepayers in relation to the proposed amendments the TSC and DSC with respect to:
 - a. cost responsibility and its profound impact on short, medium and long term electricity planning and infrastructure development in the Northwest region;
 - b. the effect of the proposed amendments to the TSC and DSC on its members generally, the growth (or lack thereof) of their businesses;
 - c. development of electricity infrastructure in the Northwest Region; and
 - d. the impact on future economic development in the Northwest Region, particularly in mining sector;
5. is interested in ensuring that regional planning in the Northwest region is appropriately implemented and that the proposed amendments to the TSC and DSC relating to cost responsibility are appropriately reviewed and revised to reflect and consider issues that effect the Northwest Region specifically; and
6. is in a position to provide the OEB clearly defined consumer needs with respect to cost responsibility and wishes to ensure that the proposed amendments to the TSC and DSC reflect the needs of current and future members.

CVNW has a substantial interest in this consultation proceeding because:

1. Members of CVNW have recent experience on matters related to the transmission, distribution and generation and the practical knowledge of how changes to the TSC and DSC with respect to cost responsibility will affect the Northwest Region, particularly in terms of attracting new investment in resource based infrastructure.
2. CVNW represents member business, industry, labour, municipalities, schools, postsecondary institutions, multicultural organizations and development agencies, training boards and community groups throughout the Northwest Region;
3. CVNW understands and can speak to the direct business and social interests of their members in the Northwest Region; and
4. Through the Energy Task Force (ETF), CVNW has joined in the creation of a regional research committee of interested and experienced individuals who, by living and working in the northwest, are keenly aware of the geographical and technical issues relating to electricity generation and transmission/distributions in the region.

CVNW will be able to provide valuable insight into not only issues related to cost responsibility but also to environmental and other social imperatives, including but not limited to social imperatives that are geographical, economic and commercial.

NOMA has a substantial interest in this consultation because NOMA:

1. understands and can speak to the direct interests of the industrial, business, commercial and residential ratepayers throughout the Northwest Region (population approximately 250,000);
2. can provide important and unique perspectives of ratepayers in relation to the proposed amendments to the TSC and DSC with respect to cost responsibility as these amendments will have a profound impact on short, medium and long term electricity planning and infrastructure development in the Northwest region particularly in terms of attracting new investment in resource based infrastructure; and
3. is interested in ensuring that regional planning in the Northwest region is appropriately implemented and that the proposed amendments to the TSC and DSC relating to cost responsibility are appropriately reviewed and revised to reflect and give positive effect to the issues that effect the Northwest Region specifically.

The City of Thunder Bay has a substantial interest in this consultation because the City:

1. is the largest city in the Northwest Region;
2. represents the direct interests of the ratepayers in its own population (approximately 113,000), which population is 45% of the population of the entire Northwest region (approximately 250,000);
3. is the major commercial and industrial centre of the Northwest Region;
4. comprises the largest industrial load and largest residential load in the Northwest Region;
5. with the fourth largest international airport in Ontario, a large international port as terminus of the Seaway, and both CP and CN rail serving the City, the City serves as the transportation, supply and support services hub for the Northwest Region;
6. is the location of one of the two large thermal generating stations in the Northwest Region; and
7. is keenly aware of the geographical and technical issues relating to electricity generation, transmission and distribution in the Northwest Region, and as such can provide important and unique perspectives to the OEB in relation to the proposed amendments to the TSC and DSC which amendments will have a profound impact on short, medium and long

term electricity planning and future infrastructure development in the Northwest region, particularly in terms of attracting new investment in resource based infrastructure.

The Municipality of Red Lake, the Township of Ear Falls, the Township of Pickle Lake and the Municipality of Greenstone have a substantial interest in this consultation because the above noted municipalities:

1. and their residents rely heavily on the natural resources sector including minerals and mines. The above noted municipalities have been negatively affected, historically, by cost responsibility provisions of the TSC and DSC in that many businesses choose to locate to other municipalities, or in fact, other provinces, due to said provisions, as opposed to operating in the Northwest Region;
2. continue to be served by radial lines which are subject to regular disruption and are under-capacity to meet the current and future needs of the communities, with a requirement for the existing transmission infrastructure to be upgraded;
3. are keenly aware of the short, medium, and long term issues with respect to transmission, distribution and generation its members face in the Northwest Region, particularly in terms of attracting new investment in resource based infrastructure, and as such can provide important and unique perspectives of ratepayers in relation to the proposed amendments the TSC and the DSC with respect to:
 - a. cost responsibility and its profound impact on short, medium and long term electricity planning and infrastructure development in the Northwest region particularly in terms of attracting new investment in resource based infrastructure;
 - b. the effect of the proposed amendments to the TSC and DSC on its members generally, the growth (or lack thereof) of their businesses; and
 - c. development of electricity infrastructure in the Northwest Region.
4. are interested in ensuring that regional planning in the Northwest region is appropriately implemented and that the proposed amendments to the TSC and DSC relating to cost responsibility are appropriately reviewed and revised to reflect and give positive effect to the issues that affect the Northwest Region specifically;
5. wish to ensure that regional planning is implemented appropriately and that the amendments to the TSC and DSC consider specific geographic, economic and social issues effecting the Northwest Region. The aforementioned municipalities substantial interest arises because they will be significantly affected by changes to the DSC and TSC relating to cost responsibility that is the subject of this consultation.

Collaboration

The above noted members of the NOACC Coalition have agreed to co-operate in making submission to the OEB with respect to the above noted Consultation and have authorized Weiler, Maloney, Nelson, to make submission in the common interest of all of them.

In addition, the NOACC Coalition and the Nishnawbe-Aski Nation ("NAN"), in a broad spectrum of issues, are active in seeking out areas where they have similar interests. NAN and the NOACC Coalition propose to continue sharing information and align strategies for submissions that are complementary to one another in the above noted consultation now being undertaken by the OEB.

The members of the NOACC Coalition will collaborate, represented by Weiler, Maloney, Nelson, to provide their collective questions, submissions and arguments in relation to not only issues related to energy but also to environmental and other social imperatives, including but not limited to social imperatives that are peculiar to the geographical, economic and commercial needs of the Northwest Region. The NOACC Coalition have been and will continue to be proponents of coordinated, comprehensive regional planning in the development of electricity infrastructure in the Northwest as a Region.

Cost Awards

CVNW and NOACC will, individually, seek designation as persons, under Section 30 of the *Ontario Energy Board Act, 1998*, eligible to receive costs. The basis for the designation would be the representative nature of the CVNW and NOACC in the Northwest Region itself and the indicated collaboration that the NOACC Coalition, including CVNW and NOACC will continue to pursue with other Interested Parties representing the interests of the Northwest Region. Each of CVNW and NOACC represent the direct interests of consumers, as ratepayers, in relation to regulated services, and each can offer important and unique perspectives to the OEB.

The businesses forming the membership of NOACC are not individually ineligible by reason of any of the criteria contained in section 3.05 of the *Practice Direction on Cost Awards*.

In addition, both CVNW and NOACC represent an interest or policy perspective relevant to the Board's mandate and to this consultation.

NOACC represents the direct interest of ratepayers, especially the small businesses, throughout the Northwest Region. The cost responsibility provisions of the TSC and DSC impact those ratepayers whose livelihood depends on a single industrial employer in a town.

CVNW and NOACC represents a public interest in seeking to ensure amendments to the TSC and DSC relating to cost responsibility positively impacts existing and future businesses, consumers, and ratepayers in the Northwest Region and the industries that they supply with goods and services.

CVNW and NOACC can offer clearly defined consumer needs to the OEB in relation to whether the proposed amendments to TSC and DSC reflect the specific geographic, economic and social issues effecting ratepayers, consumers and businesses in the Northwest Region. The proposed amendments to the TSC and DSC will impact those ratepayers, consumers and businesses that are often dependent for their livelihood on a single industrial employer in a town, and now depend also on mineral exploration programs in the Northwest Region. Ensuring the short, medium and long term infrastructure and regional planning needs of the Northwest region and that the above noted issues effecting the Northwest Region, its consumers, ratepayers and businesses is a necessity for the economic well-being of the members of CVNW and NOACC.

CVNW and NOACC, and their members, are or represent persons with a significant interest in land that is or may be affected by amendments to the TSC and DSC relating to cost responsibility. That interest in some instances may be a private interest, but in every case it is a public interest.

Spokesperson for the NOACC Coalition

- Nicola A. Melchiorre, Partner in the firm of Weiler, Maloney, Nelson (called to the Bar in 2004, licenced by the Law Society of Upper Canada to practice law in Ontario).
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Yours very truly,

WEILER, MALONEY, NELSON

Per:


NICK A. MELCHIORRE

NAM/mpm

Appendix “A”

Mandate & Objectives:

The Northwestern Ontario Associated Chambers of Commerce represents the interests of over 2,000 local businesses through all Chambers of Commerce in Northwestern Ontario. The organization serves as the voice of business and is actively involved in seeking solutions to issues and concerns affecting the sustainable development of Northwestern Ontario.

Activities:

NOACC serves as an advocate for business concerns and provides a key communication link between businesses across the Northwest.

Appendix “B”

CVNW was established for, inter alia, the following purposes:

- To provide a forum for the consideration of matters that are of common interest to the citizens of Northwestern Ontario;
- To bring interested parties together to promote and advance the interests of the citizens of Northwestern Ontario;
- To co-ordinate and communicate a common message regarding matters where the rights and resources of people in Northwestern Ontario are affected; and
- To provide leadership on the common issues affecting all people in Northwestern Ontario.

The Board of CVNW is made up of the following:

- Northwestern Ontario Municipal Association – 4 delegates
- Northwestern Ontario Associated Chambers of Commerce – 2 delegates
- Thunder Bay Multicultural Association - 1 delegate
- Northwest Training and Adjustment Board - 1 delegate
- Lakehead University - 1 delegate
- Confederation College - 1 delegate
- Northwest Ontario Education Leaders (school boards) - 1 delegate
- Northwestern Ontario Development Network - 1 delegate

The membership of CVNW is made up of the following:

- Northwestern Ontario Municipal Association – 4 delegates
 - Northwestern Ontario Associated Chambers of Commerce – 2 delegates
 - Thunder Bay Multicultural Association – 1 delegate
 - Northwest Training and Adjustment Board – 1 delegate
 - Lakehead University – 1 delegate
 - Confederation College – 1 delegate
 - Northwest Ontario Education Leaders (school boards) – 1 delegate
 - Northwestern Ontario Development Network – 1 delegate
 - organized labour (vacant) – 2 delegates
-
- 67% of the Board are non-municipal reps

Appendix “C”

The Northwestern Ontario Municipal Association (NOMA) provides leadership in advocating regional interests to all orders of government and other organizations.

Vision

NOMA will be the essential voice, heard by all orders of government, to create a vibrant, growing and prosperous region while maintaining our valued Northwestern Ontario lifestyle.

Core Values and Guiding Principles

COMMUNICATIVE	NOMA communicates appropriately and effectively
CONTINUOUSLY IMPROVING	NOMA ensures continuous improvement in all that we do
CREDIBLE	NOMA provides evidence based responses and input to Northwestern Ontario issues
OBJECTIVE	NOMA is non-partisan and objective in how we present ourselves
RESPONSIVE	NOMA is timely and effective in how we respond
TRUSTWORTHY	NOMA builds trusting relationships by acting with honesty and integrity
UNITED	NOMA values teamwork and respects diversity in everything we do

Strategic Goals

NOMA will strengthen and grow:

- As the recognized **ADVOCATE** for local government in Northwestern Ontario;
- As a **CHANGE FACILITATOR** for the region;
- As a **COMMUNICATIONS CONNECTION** for our members and partners;
- It's **ORGANIZATIONAL CAPACITY** towards sustainable leadership; and **RELATIONSHIPS AND PARTNERSHIPS**.