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September 19, 2017

Ontario Energy Board
2300 Yonge Street
P.O. Box 2319
Suite 2700
Toronto, ON M4P 1E4

Attention: Ms Kirsten Walli
Board Secretary

Dear Ms. Walli:

Re: Newmarket-Tay Power Distribution Ltd. and Midland Power Utility Corporation application under section 86 of the *Ontario Energy Board Act, 1998* and application for other related relief

Objection to intervenor status request

We are counsel to Newmarket-Tay Power Distribution Ltd. in the above-noted application.

This letter is in response to a request for intervenor status filed by Chris Capredoni, President, Capredoni Enterprises Ltd. (the "**Capredoni Request**"). The applicants object to the Capredoni Request because as detailed below, it does not demonstrate a substantial interest in the proceeding and therefore does not satisfy the Board's test for granting intervenor status.

We note that the Capredoni Request is identical to requests for intervenor status filed by Capredoni Enterprises Ltd. in several other current or recent Ontario Energy Board (the "**Board**") proceedings.¹

Rule 22.02 of the Board's *Rules of Practice and Procedure* states that a person applying for intervenor status "must satisfy the Board that he or she has a substantial interest" in the proceeding.

Rule 22.03 sets out the requirements for a request for intervenor status, which include:

¹ EB-2017-0024, in which the request for intervenor status was denied by the Board.
EB-2017-0259, in which the request for intervenor status was denied by the Board.
EB-2017-0069, in which the applicant has objected to the request for intervenor status.
EB-2017-0212, in which the applicant has objected to the request for intervenor status.

- i. A description of the intervenor and its membership, if any;
- ii. The interest of the intervenor in the proceeding; and
- iii. The grounds for the intervention.

As detailed below, the Capredoni Request does not include any of the above-noted requirements.

i. Description of intervenor and its membership is inadequate

The Capredoni Request states that intervenor status is being requested on behalf of (i) Mr. Capredoni's small business and (ii) "as a representative/advocate for other small business owners in the Greater Niagara Chamber of Commerce and Ontario Chamber of Commerce". However, the Capredoni Request does not describe the small business, Capredoni Enterprises Ltd., nor does it set out any evidence to demonstrate that Mr. Capredoni or Capredoni Enterprises Ltd. has been authorized or appointed by the Greater Niagara Chamber of Commerce or the Ontario Chamber of Commerce or the members of these organizations.

While Capredoni Enterprises Ltd. is listed in the online member directory for the Greater Niagara Chamber of Commerce, membership in an organization does not result in authority to advocate for and represent that organization or its members.

ii. Interest of the intervenor in the proceeding – no interest demonstrated

In regards to the request on behalf of Mr. Capredoni's small business Capredoni Enterprises Ltd., the address for this business is in Binbrooke, Ontario, south of Hamilton and therefore the business is not a customer of either of the applicants in this proceeding.

Moreover, no reasons are provided in the Capredoni Request as to why Capredoni Enterprises has an interest in this particular proceeding, which is in respect of a proposed consolidation of two distributors, neither of which serve Capredoni Enterprises Ltd.²

As a result, the applicants submit that Capredoni Enterprises Ltd. will not be affected by the outcome of this proceeding and that Capredoni Enterprises Ltd. has failed to demonstrate that it has a substantial interest in the proceeding as required pursuant to Rule 22.02 of the Board's *Rules of Practice and Procedure*.

iii. Grounds for intervention are not included

The Capredoni Request does not set out any particular grounds for the request for intervention.

Conclusion

For the above reasons, the applicants submit that Capredoni Enterprises Ltd. should not be granted intervenor status in this proceeding. In regards to any cost eligibility, the applicants further submit that as Capredoni Enterprises Ltd. (i) is not a ratepayer of either of the applicants and does not represent ratepayers in either of their service territories; and (ii) has not identified an interest or policy perspective relevant to the Board's mandate and to this proceeding,

² The Capredoni Request makes a broad, general statement that "Any application presented to the OEB may have a negative impact on rate payers, (rates and services provided)..." but this statement does not describe any particular interest in this proceeding.

Capredoni Enterprises Ltd. is not eligible for costs under the Board's *Practice Direction on Cost Awards*.³

Please do not hesitate to contact the undersigned if you have any questions in relation to the foregoing.

Sincerely,

Signed in the original

George Vegh

cc. J. Mark Rodger, counsel to Midland Power Utility Corporation

³ Rule 3.03.