

Elson Advocacy

May 1, 2019

BY COURIER (2 COPIES) AND RESS

Ms. Kirsten Walli

Board Secretary

Ontario Energy Board

2300 Yonge Street, Suite 2700, P.O. Box 2319

Toronto, Ontario M4P 1E4

Dear Ms. Walli:

Re: EB-2018-0287/0288 - Utility Remuneration and Responding to Distributed Energy Resources

We are writing on behalf of Environmental Defence to request participant status and costs eligibility in the two initiatives listed above.

Nature of Interest

Environmental Defence seeks participant status and costs eligibility as a leading environmental organization that represents both the public interest in environmental protection and the interests of consumers whose energy bills can be reduced through increased distributed energy resources, demand response, energy efficiency, innovation, and other similar such means.

Grounds for Eligibility and Need for Funding

Environmental Defence has been granted intervenor status, participant status, and costs eligibility in many proceedings before the Ontario Energy Board. Environmental Defence is eligible for an award of costs under section 3.03(a) and (b) of the Practice Direction on Costs Awards as it represents “an interest or policy perspective relevant to the Board’s Mandate,” including environmental protection, and the “direct interest of consumers” whose energy bills can be reduced through increased distributed energy resources, energy efficiency, demand response, innovation, and other similar such means.

Environmental Defence has no funding to participate in this process without an award of costs eligibility.

Counsel and Consultant

Environmental Defence’s energy consultant is Jack Gibbons. Mr. Gibbons has over 35 years of experience with Ontario energy regulation and Ontario Energy Board matters. Environmental

Kent@ElsonAdvocacy.ca
1062 College St., Toronto, ON M6H 1A9

tel: 416 906-7305
fax: 416 763-5435

Defence's legal counsel is Kent Elson. Mr. Elson has over ten years of experience acting in Ontario Energy Board matters.

Environmental Defence's consultant and counsel have a long track record of providing highly relevant, responsible, and non-duplicative representation in Ontario Energy Board proceedings.

Environmental Defence is not at this time submitting a request for costs for separate expert submissions.

Acceptance of Request Beyond Deadline

Environmental Defence respectfully requests that this request for participant status and costs eligibility be approved despite the deadline passing on March 25, 2019. We believe this is fair and reasonable and would benefit the Board on the following grounds:

1. **No Delay:** Accepting this request will not delay the process and no changes to the schedule are required.
2. **No Prejudice:** Accepting this request will not prejudice any party or provide Environmental Defence with an unfair advantage as it is still very early in the process.
3. **Delay Justified:** Environmental Defence's counsel was not aware of the participant request deadline and did not receive a copy of the kick-off letter dated March 15, 2019.
4. **Prompt Response:** Environmental Defence's counsel first obtained the kick-off letter today and proceeded to immediately seek instructions, obtain instructions, and file this participant request letter.
5. **Important and Unique Perspective:** Environmental Defence represents an important and unique perspective in this hearing. No other participants focus exclusively on the public interest in environmental protection and the interests of consumers whose energy bills can be reduced through increased distributed energy resources, demand response, energy efficiency, innovation, and other similar means. Both of the initiatives will have impacts on issues central to this mandate. The Board would benefit from comments from Environmental Defence's unique perspective.

Further Detailed Regarding Environmental Defence

A. Mandate and Objectives of Environmental Defence

Environmental Defence has been working since 1984 to protect Canadians' environment and human health. Environmental Defence's mandate and objective is to challenge, and inspire change in government, business and people to ensure a greener, healthier and prosperous life for all. Its vision is to create a world Canadians are proud to pass on to their children.

B. Membership and Constituency

Environmental Defence is supported by many thousands of donors across the province and country. It sees its constituency as Canadians who are concerned about the environment and the legacy that we will pass on to our children.

C. Types of Programs and Activities that Environmental Defence Carries Out

Environmental Defence has been highly successful in its public interest advocacy on energy issues. Environmental Defence's environmental work, on issues ranging from toxic chemicals to clean beaches, has led to concrete improvements in the lives of Canadians. For example, the dangerous chemical Bisphenol A ("BPA") is now banned in baby bottles in Canada due to concerns first raised by Environmental Defence in 2007. For many years, Environmental Defence has participated in the federal government's Chemicals Management Plan.

Environmental Defence is also the coordinator of Blue Flag Canada, which certifies beaches so that Ontario families can enjoy this public resource. It also co-founded Blue Green Canada with the United Steelworkers, which promotes green energy initiatives that have positive employment and economic impacts.

Environmental Defence also publishes reports and guides in the area of energy conservation, efficiency, and policy. For example, it has created an interactive online tool to help energy consumers reduce their bills through energy efficiency initiatives. Some further publications include:

- *Building an Ontario Green Jobs Strategy*
- *Ontario's Electricity System, a Background*
- *Canada's Methane Gas Problem: Why strong regulations can reduce pollution, protect health, and save money*
- *Powering up efficiency to get the conservation framework right*
- *The \$2 Billion Question - How Can Ontario Reinvest Cap-and-Trade Proceeds to Meet its Climate Challenge and Grow the Economy?*
- *What to Look for in the Canadian Energy Strategy*
- *Background - Coal and Renewable Energy in Ontario*
- *Building Ontario's Green Economy: A Road Map*
- *Ontario Feed-In Tariff: 2011 Review*
- *The Global Clean Energy Jobs Race: Ontario's Opportunity*
- *Blowing Smoke: Correcting Anti-Wind Myths in Ontario*
- *Faces of Transformation: Jobs, economic renewal and cleaner air from Year*
- *One of Ontario's Green Energy Act*
- *Falling Behind: Canada's Lost Clean Energy Jobs*
- *Greening Canada's Building: Report Card*

These and other reports can be found at <http://environmentaldefence.ca/reports/>.

Requests for Evidence and Addresses of Representative

Environmental Defence requests that electronic copies of the pre-filed materials and all other documents in the proceeding be delivered to the following consultant and counsel:

Electronic copies to:

Jack Gibbons

Ontario Clean Air Alliance
160 John Street, Suite 300
Toronto, Ontario M5V 2E5
Tel: (416) 260-2080 ext. 2
E-mail: jack@cleanairalliance.org

Electronic copies to:

Kent Elson

Elson Advocacy
1062 College Street, Lower Suite
Toronto, Ontario M6H 1A9
Tel: (416) 906-7305
Fax: (416) 763-5435
E-mail: kent@elsonadvocacy.ca

We also request that the above individuals be listed on the intervenors' list under Environmental Defence.

Address of Environmental Defence

Environmental Defence's full name and address is:

Environmental Defence Canada Inc.

116 Spadina Avenue, Suite 300
Toronto, Ontario M5V 2K6
Tel: (416) 323-9521
Fax: (416) 323-9301

However, please send correspondence and any other materials to both Jack Gibbons and to counsel as the authorized representatives.

Service on other Parties

Environmental Defence requests the Board's directions as to whether this letter should be served on any other parties.

Please do not hesitate to contact me if anything further is required.

Yours truly,

A handwritten signature in blue ink, appearing to read 'K. Elson', with a stylized, cursive script.

Kent Elson