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June 6, 2019

**Delivered by Email, RESS & Courier**

Ms. Kirsten Walli  
Board Secretary  
Ontario Energy Board  
2300 Yonge Street  
Suite 2701  
Toronto, ON M4P 1E4

Dear Ms. Walli:

**Re: Kitchener-Wilmot Hydro Inc. 2020 Cost of Service Application  
("Application")  
Distributed Resource Coalition - Notice of Intervention  
EB-2019-0049**

We are counsel to Kitchener-Wilmot Hydro Inc. ("KWHI") in respect of the above noted matter. We are writing to object to the Notice of Intervention filed by counsel to Distributed Resource Coalition ("DRC") on June 3, 2019 (as corrected June 4, 2019).

***(a) Objection to the notice of intervention***

DRC has failed to demonstrate that any of their members are customers of KWHI who would be directly affected by the outcome of this proceeding.

Paragraph 6 of the Notice of Intervention states:

*"The members of DRC in connection with this proceeding are KWHI customers that include, subject to further update, the Electric Vehicle Society (end-used electric vehicle electricity customers) and Plug'n Drive."*

Plug'n Drive is a not-for-profit industry association located in North York, Ontario that is committed to accelerating the adoption of electric vehicles.<sup>1</sup> It is not a customer of KWHI who would be directly affected by the outcome of this proceeding.

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<sup>1</sup> See Appendix A and <https://www.plugndrive.ca/about-us/>

The Electric Vehicle Society is a not-for profit advocacy group located in Dundas, Ontario advocating for electric mobility.<sup>2</sup> It is not a customer of KWHI who would be directly affected by the outcome of this proceeding.

The Electric Vehicle Society's website identifies a number of corporate members including:

- EVdirect (Toronto),
- Yet-E-Boot (address unlisted),
- the Montreal Electric Vehicle Show (Montreal, QC),
- JML Electric Inc. (Oakville),
- inMotive (Toronto),
- Fearless Charge and Power Inc. (address unlisted),
- Xergy Energy (Toronto),
- EnerPower Electric Ltd. (Newmarket), and
- Electric Mobility Canada (Ile des Soeurs, QC).

None of these corporate members are customers of KWHI that would be directly affected by the outcome of this proceeding.

Based on this information, it is not clear to KWHI the basis of DRC's claim that it represents a customer of KWHI that would be directly affected by the outcome of this proceeding. No directly affected customers have been identified.

To the extent DRC claims in a generic fashion to represent the interests of residential, commercial, and industrial customers who may deploy distributed energy resources, these customers are already represented by various parties in this proceeding (i.e. Board Staff, Vulnerable Energy Consumers Coalition, School Energy Coalition, and Energy Probe).

We would refer the Board also to its July 26, 2018 determination in Procedural Order No. 1 in EB-2018-0028, which addressed similar issues in respect of that electricity distribution application.<sup>3</sup>

***(b) Objection to the request for cost eligibility***

In the event DRC is able to demonstrate that it does represent an interest that would be directly affected by the outcome of this proceeding, KWHI also objects to DRC's request for cost eligibility under the Board's *Practice Direction on Cost Awards* ("**Practice Direction**").

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<sup>2</sup> See Appendix B and <https://evsociety.ca/>

<sup>3</sup> <http://www.rds.oeb.ca/HPECMWebDrawer/Record/615127/File/document>

KWHI is not a large utility. It is a municipally owned electricity distribution company that provides electricity distribution and related services to approximately 97,000 residential, commercial, industrial and institutional customers within the City of Kitchener and the Township of Wilmot. Any costs awards granted in this Application are funded by this small group of customers.

The members of the DRC represent industry groups aimed at promoting the adoption of electric vehicles specifically, and distributed energy resources more generally, into the electricity grid.<sup>4</sup> The Electric Vehicle Society's corporate members are unified by a common thread – each stands to financially profit from the accelerated adoption of distributed energy resources, including electric vehicles.

KWHI submits that DRC does not represent the direct interests of electricity distribution ratepayers with regards to the services offered by KWHI and the Application and therefore DRC does not meet the Board's cost eligibility requirement under section 3.03(a) of the Practice Direction.

Rather, DRC is representing its members commercial interests (other than as a ratepayer) – by promoting the adoption of distributed energy resources (including electric vehicles). Pursuant to Section 3.04(b) of the Practice Direction, this is a relevant consideration in the Board's assessment of cost eligibility under Section 3.03(b) despite the fact that it could also be argued to serve an interest or policy perspective relevant to the Board's mandate and to this proceeding.

Yours very truly,

**BORDEN LADNER GERVAIS LLP**

Per:

*Original signed by John A. D. Vellone*

John A. D. Vellone

cc: Margaret Nanninga, Kitchener-Wilmot Hydro Inc.  
Jonathan McGillivray and Lisa DeMarco, Demarco Allan LLP  
Intervenors in EB-2019-0049

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<sup>4</sup> Paragraph 3 of DRC's Notice of Intervention.

## Appendix “A”

Screenshot of <https://www.plugndrive.ca/about-us/> taken June 5, 2019.



### Plug'n Drive


Plug'n Drive is a non-profit organization committed to accelerating the adoption of electric vehicles in order to maximize their environmental and economic benefits. Since 2011, Plug'n Drive has established itself as a leader in the electric vehicle industry, a trusted and unbiased source of information on electric cars, charging stations and the electricity sector.

### Our Vision

To be Canada's champion for electric transportation.

## Appendix “B”

Screenshot of <https://evsociety.ca/> taken June 5, 2019.

Driving Ontario's Future

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### Welcome!

We are an Ontario non-profit group advocating for electric mobility. Whether you're new to EVs or you've owned one for years, we welcome you!

**Over 1,000 members**


EV Society was founded in 1994, when all electric cars were hand-crafted one-off conversions. Now we help to increase EV adoption through education, advocacy, meetings, events, partnerships, and member benefits.

**Meetings across the province**

EV Society chapters hold regular [meetings](#) to discuss everything from EV advocacy to the latest news and [events](#).

**Add your voice**









Receive perks from our corporate partners and benefit from networking with industry leaders. Help to make a difference!



[Join Today](#)

24	750	2,500	34,052
Years we've been advocating for EVs	High-power chargers in Ontario	Level 2 chargers in Ontario	EVs in Ontario

### Corporate Members

 CHARGING IN MOTION	 The All-weather EV charge port protector	 SHOW	 JML Electric Inc. Commercial • Industrial • Service • Charging
 Energy Efficiency Innovation	 FEARLESS CHARGE AND POWER INC.	 EV Revolution Show	 XERGY ENERGY We keep you Powered for Life