

July 3, 2019

BY EMAIL/ RESS AND COURIER

Kirsten Walli
Board Secretary
Ontario Energy Board
2300 Yonge Street
26th Floor, Box 2319
Toronto, ON M4P 1E4

Dear Ms. Walli;

RE: EB-2019-0018 Alectra Utilities Corporation (“Alectra Utilities”) 2020 Electricity Distribution (“EDR”) Rate Application

On May 28, 2019, Alectra Utilities filed its 2020 EDR Application with the Ontario Energy Board (“OEB” or the “Board”) for rates and charges effective January 1, 2020. The OEB assigned Board File Number EB-2019-0018 to the Application.

The OEB issued its Letter of Direction (“LOD”) regarding the Application on June 18, 2019. Consistent with the LOD, Alectra Utilities posted its Notice of Application on its website. The Notice of Application indicated that the intervention request period would close as of July 2, 2019.

The following entities filed intervenor status requests within the required timeframe:

- Association of Major Power Consumers in Ontario (“AMPCO”)
- Building Owners and Managers Association (“BOMA”)
- Consumers Council of Canada (“CCC”)
- Energy Probe (“EP”)
- Max Aicher (North America) Ltd. and Max Aicher (North America) Bloom Mill (“MANA”)
- School Energy Coalition (“SEC”)
- Vulnerable Energy Consumers Coalition (“VECC”)

In addition, a late intervenor status request was filed on July 3, 2019 by:

- Distributed Resource Coalition (“DRC”)

With the exception of MANA and DRC, Alectra Utilities does not take issue with the above-listed requests.

MANA’s Intervention Request

With respect to MANA, Alectra Utilities has two related concerns.

First, with respect to MANA’s request for cost eligibility, Alectra Utilities identifies that Section 3.02 of the OEB’s *Practice Direction on Cost Awards* specifies that the burden of establishing cost eligibility is on the party applying for a cost award. While MANA has provided rationale for its

Alectra Utilities Corporation

2185 Derry Road West, Mississauga, ON L5N 7A6 | t 905 273 7425

alectrautilities.com

request for intervenor status, it has not demonstrated, with reference to the Practice Direction, why it should be eligible for costs.

Second, in considering MANA's requests for intervenor status and cost eligibility, Alectra Utilities requests that the Board consider that the interests of MANA may be represented by AMPCO, which has also sought intervenor status. MANA describes itself as a supplier of hot rolled steel bar products, that owns two steel bar manufacturing facilities in Hamilton. AMPCO describes itself as an advocacy organization representing the interests of Ontario's major industries, including steel and manufacturing. Although AMPCO regularly intervenes in matters before the OEB and states in its intervenor status request that its membership is "well known to the Board", it appears to Alectra Utilities that AMPCO does not make annual filings as a frequent intervenor with the Board. Further, information about AMPCO's membership is not available on the OEB's website. As such, Alectra Utilities has not been able to determine whether MANA's interests in this proceeding may be represented, directly or indirectly, by AMPCO. Therefore, Alectra Utilities submits that the OEB should inquire into these matters and take them into consideration in determining MANA's requests for intervenor status and cost eligibility.

DRC's Intervention Request

With respect to DRC, Alectra Utilities objects to their intervenor status and cost eligibility requests. DRC has not demonstrated that it has a substantial interest in the application. Alectra Utilities notes that the circumstances of the request are similar to those recently considered by the Board. Specifically, on June 3, 2019, DRC filed a nearly identical intervenor status request in Kitchener-Wilmot Hydro Inc.'s ("KWH") application for 2020 electricity distribution rates (EB-2019-0049). KWH objected to the request and, in Procedural Order No. 1 issued June 20, 2019, the Board denied intervenor status to DRC on the basis that, absent specific details on the part of DRC, it was not clear that DRC had a substantial interest in that application.

In particular, the Board found that DRC's member organization, Plug'n Drive, seeks to raise policy issues, which are most appropriately considered in a policy consultation rather than in KWH's rate application, consistent with the Board's previous determinations that rate cases are not the forum for developing broad policy directions for DERs. The OEB specifically referenced its ongoing policy initiative entitled "Responding to Distributed Energy Resources (DERs)" (EB-2018-0288) and noted that DRC has sought intervenor status in that proceeding. Although DRC clarified that its other member organization, the Electric Vehicle Society, had a chapter in the KWH service area whose members included KWH customers that own electric vehicles, the Board found that it was not clear from the information provided as to the extent to which the group was comprised of KWH end use customers, nor did the intervention request address specific items in the application to be examined. The Board therefore found no clear and substantial interest in the application and denied the request for intervenor status.

As noted, DRC's intervenor status request in the current proceeding is nearly identical to that which it filed in KWH. It has provided no additional information regarding its membership, the extent to which their members comprise Alectra Utilities end use customers, or the specific items in the application that it intends to examine. Alectra Utilities also notes that, whereas KWH's application was in the form of a cost of service rebasing, the present application involves mechanistic adjustments along with a proposed capital funding mechanism. It therefore does not engage issues of rate design or cost allocation, which DRC says it is interested in, to the extent

such issues might be raised in a cost of service proceeding. Moreover, while DRC states that it represents organizations that have a policy interest in electricity conservation and demand management, Alectra Utilities notes that as a result of recent legislative changes introduced in Bill 87, LDCs such as Alectra Utilities will play a significantly reduced role with respect to such initiatives.

Based on the foregoing, and consistent with the Board's findings in EB-2018-0288, it is Alectra Utilities' submission that the Board should deny DRC's request for intervenor status. However, if the Board decides to approve DRC's intervenor status, Alectra Utilities submits that the Board should deny DRC's request for cost eligibility in this proceeding.

Should you have any questions, please do not hesitate to contact the undersigned.

Yours truly,



Indy J. Butany-DeSouza, MBA
Vice President, Regulatory Affairs
Alectra Utilities Corporation

cc: C. Keizer, Torys LLP