



Lisa (Elisabeth) DeMarco
Senior Partner
Bay Adelaide Centre
333 Bay Street, Suite 625
Toronto, ON M5H 2R2
TEL +1.647.991.1190
FAX +1.888.734.9459
lisa@demarcoallan.com

August 7, 2019

VIA RESS AND COURIER

Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
P.O. Box 2319, 27th Floor
2300 Yonge Street
Toronto ON M4P 1E4

Dear Ms. Walli:

Re: Alectra Utilities Corporation (Alectra) Distribution Rates Application (the Proceeding)
Board File No. EB-2019-0018

We are counsel to the Distributed Resource Coalition (**DRC**) in the Proceeding. We are in receipt of the Board's letter of July 30, 2019, providing for a further round of submissions on Alectra's proposed exclusion of DRC end-use electricity customers from the Proceeding. We have also recently obtained a copy of Ms. Butany-DeSouza's reply submission of August 2, 2019 (the **Customer Exclusion Reply Letter**), but note that we were neither served nor provided with a courtesy copy of same. Further, DRC is currently not included on the distribution list of parties notified of communications in the Proceeding.

The following sets out DRC's clarification to the record of the Proceeding and its direct reply to Alectra's limited Customer Exclusion Reply Letter. DRC relies upon its detailed submissions of July 26, 2019 indicating that Alectra's requested customer exclusion is contrary to the Board's *Rules of Practice and Procedure*, the Board's statutory mandate, the recommendations of the Board's Advisory Committee on Innovation, and antithetical to the common law duty of fairness owed to Alectra's monopoly utility customers represented by DRC.

Clarification. DRC received Alectra's initial requested customer exclusion letter on July 3, 2019, and on July 5, 2019 advised Board staff in the Office of the Registrar that it intended to file a reply including specific customer information that it was obtaining from both the DRC membership and the Ministry of Transportation. We further communicated with Board Staff in the Office of the Registrar on July 9, 22, and 23, 2019 to provide status updates on DRC's receipt of that requested external information and reply letter. DRC's reply letter including the

relevant customer information requested by the Board was accordingly filed on July 26, 2019. Please ensure that the record reflects the full and accurate procedural history.

Direct Reply. Alectra appears to be continuing to attempt to exclude DRC customers from the Proceeding on the grounds that general customer interests are already represented. DRC reiterates that its customer needs and preferences are distinct from general customer interests and may result in different approaches to short term capital investments that result in long term savings for all customers. Specifically, Alectra is proposing significant grid modernization approaches, DER programs, and capital expenditures each of which will directly and substantially impact the connections, rates, charging, charging infrastructure, penetration, efficiency, and reactive capability of DRC customers in the Alectra service territory. These interests and impacts are unique to DRC members *and likely to differ from certain views of very traditional customer groups, which are neither versed in electrified mobility, electricity distribution issues nor focused on immediate grid modernization investments that are likely to lower longer term costs and avoid stranded costs for all customers.* Further, in the absence of DRC, there is no other intervenor group that directly or otherwise represents the currently available grid efficiencies and realities of “prosumers” that may reduce overall system costs and enhance system reliability.

We therefore respectfully request that the Board proceed in accordance with its common law duty of fairness and the supporting rules of natural justice to expressly afford DRC and its directly and significantly impacted members the right to be heard and participate fully in the Proceeding through cost eligibility.

Sincerely,



Lisa (Elisabeth) DeMarco

- c. Indy J. Butany-DeSouza, Alectra Utilities Corporation
 Charles Keizer and Jonathan Myers, Torys LLP
 Cara Clairman, Plug'n Drive
 Wilf Steimle, Electric Vehicle Society
 Intervenors in EB-2019-0018