

Reply to the Attention of: Mike Richmond
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Our File No.: 267730
Date: September 20, 2019

BY RESS AND COURIER

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

Dear Mrs. Walli,

**Re: EB-2019-0018
Process for Intervenor Evidence**

On July 22, 2019, MANA expressed its intent to file intervenor evidence and requested an opportunity to do so. The Board responded on July 25, 2019, deferring any decision on the need and process for filing intervenor evidence until after Alectra had responded to M-Factor interrogatories. This letter is filed for the purpose of advising the Board that MANA still intends to file intervenor evidence in the above-noted proceeding, and to request that the Board now set out a process for doing so.

In Procedural Order #1, the Board explained its decision to grant MANA intervenor status, in part, by reference to MANA's submissions.¹ The Board expressly referred to MANA's assertion that "it is in the public interest to hear from Alectra Utilities' customers". It also cited MANA's assertion that the outcome of the proceeding would "significantly affect MANA's competitiveness in the Canadian steel industry, and have a direct impact on MANA's consideration of whether or not to expand its operations and facilities in the Alectra territory".

The Board concluded, "as a customer of Alectra Utilities that may be affected by the outcome of the proceeding, MANA represents its direct interests".

¹ EB-2019-0018, Procedural Order #1, July 9, 2019.

In granting MANA intervenor status, the Board acknowledged that MANA would be speaking to the impacts that the requested rates would have on customers, including on their operations, their competitiveness and their expansion opportunities. It can be inferred that the Board considered such impacts to be relevant to the M-Factor proceeding.

The Board's basis for granting of intervenor status offers an intelligible starting point for guidance on the scope and nature of the evidence to be filed by MANA.

The evidence filed by Alectra, both in its application and through its interrogatory responses, does not speak to the specific impacts on MANA's direct interests. Detailed information about the impacts on any customer rests with that customer alone, and the customer must therefore take responsibility for ensuring that such information is made available to the Board.

MANA's proposed evidence has not changed from the detailed outline provided in our July 22 letter. MANA is not proposing to file any Expert Evidence or Reports. The expected intervenor evidence will be information within the knowledge and possession of MANA and other large Alectra customers similar to MANA with whom MANA has a commercial relationship. MANA's evidence is therefore expected to be limited to between two and four fact-based affidavits, with attachments, from executive-level representatives of Alectra's commercial customers, addressing issues such as:

- such customers' electricity consumption and spending;
- information relating to the services and service levels delivered by Alectra to such customers and the impact of such service levels on customer preferences;
- the impact of adverse weather events on such customers' electricity consumption and service levels;
- financial information relating to the businesses of such customers;
- their market sensitivity to electricity distribution cost changes;
- the impact of electricity distribution cost changes on their competitiveness;
- the impact of electricity distribution cost changes on operation and growth plans;
- any wider impact on the local, provincial or national economy;
- the degree to which they were consulted by Alectra during development of its proposal;
- the degree to which information was provided to them to assist them in understanding Alectra's proposal, if any; and

- such other information, data or documentation as MANA believes are material or helpful to the Board.

As a cost-sensitive commercial entity, MANA has deferred expending any time or money to assemble and develop such affidavits and evidentiary package in the absence of confirmation from the Board that its evidence would be accepted.

MANA respectfully submits that the Board's cost eligibility decision for MANA's participation in this proceeding should apply to the evidentiary portion of this proceeding. Since no Expert Evidence is being proposed, costs sought in this proceeding are likely to be limited to the costs of legal counsel, and related disbursements. While this can only be estimated at this point, we would not expect legal costs related to the production of MANA's evidentiary submission (exclusive of taxes and disbursements) to exceed \$25,000.

MANA intends to commence the drafting of its evidence immediately upon the Board's confirmation that such evidence will be accepted. It anticipates being able to do so, and is willing to abide by an order requiring the submission of such evidence, within 3 weeks after that date.

Yours truly,



Mike Richmond