



BY EMAIL and RESS

Mark Rubenstein
mark@shepherdrubenstein.com
Dir. 647-483-0113

Ontario Energy Board
2300 Yonge Street
27th Floor
Toronto, Ontario
M4P 1E4

October 10, 2019
Our File: EB20180329

Attn: Christine Long, Registrar & Board Secretary

Dear Ms. Long:

Re: EB-2018-0329 – Marathon North Shore LNG Project – Notice of Intervention

We are counsel to the School Energy Coalition (“SEC”). Attached, please find SEC’s Notice of Intervention in the above-captioned matter. SEC apologizes for the delay in filing our Notice. We only recently became aware of the application, and required time to speak to our client, and with representatives of the school boards whose would be served by the proposed new distribution system, to seek client instructions. No party should be prejudiced by our late intervention, as the proceeding is in its early stages. SEC also agrees to accept any procedural deadlines that have already been set regarding this proceeding.

We are aware that the Applicant has objected to the intervention of some other proposed intervenors. SEC has a substantial interest in the application, as it represents the interests of its member school boards and schools. The application itself recognizes that there are 22 schools in the five communities.¹ While some or all of these schools may ultimately decide not to connect to any natural gas system that is approved and constructed, if they do they have an interest in ensuring that the approvals granted are in their best interests.

This application also raises several unique issues, including the conditional nature of some of its requested approvals, and being the first of its kind as a greenfield utility supplied entirely by liquefied natural gas. In addition to the request for approvals for a franchise agreement, certificate of public convenience and necessity, and leave to construct, it also seeks certain rate-related relief. The Applicant is requesting pre-approval of a gas supply plan and also the cost consequences of a long-term contract to supply liquefied natural gas to each of the 5 municipalities. Those are approvals that the Board must make pursuant to its ratemaking authority, and potential customers have a significant interest in any such application.

Yours very truly,
Shepherd Rubenstein P.C.

¹ See Exhibit A-4-1, pp. 3,4,6,7 and 8



Original signed by

Mark Rubenstein

cc: Wayne McNally, SEC (by email)
Applicant (by email)

ONTARIO ENERGY BOARD

IN THE MATTER OF the Ontario Energy Board Act, 1998, S.O. 1998, c. 15 (Sched. B), as amended (the “OEB Act”) and the Municipal Franchises Act, R.S.O. 1990, c. M.55, as amended;

AND IN THE MATTER OF an application by the Corporation of the Town of Marathon under Section 8 of the *Municipal Franchises Act* for an order or orders granting Certificates of Public Convenience and Necessity to the Corporation for the construction of works in the Town of Marathon, Township of Manitouwadge, Township of Schreiber, Township of Terrace Bay, and Municipality of Wawa.

AND IN THE MATTER OF an application by the Corporation of the Town of Marathon under Section 90 of the OEB Act for an order or orders granting leave to construct natural gas distribution pipelines and ancillary facilities to serve the Town of Marathon, Township of Manitouwadge, Township of Schreiber, Township of Terrace Bay, and Municipality of Wawa;

AND IN THE MATTER OF an application by the Corporation of the Town of Marathon under Section 97 of the OEB Act for an order or orders approving the form of easement agreements;

AND IN THE MATTER OF an application by the Corporation of the Town of Marathon for an order or orders for a gas supply plan to serve the Town of Marathon, Township of Manitouwadge, Township of Schreiber, Township of Terrace Bay, and Municipality of Wawa;

NOTICE OF INTERVENTION

OF THE

SCHOOL ENERGY COALITION

1. The School Energy Coalition (“SEC”) applies for intervenor status in this proceeding.
2. SEC is a frequent intervenor in Board proceedings. Our current Annual Filing can be found on the Board’s website, here:

<http://www.rds.oeb.ca/HPECMWebDrawer/Record/589545/File/document>

3. The School Energy Coalition intends to apply for recovery of its costs reasonably incurred in the course of its intervention in this matter. SEC has participated in many past natural gas and electricity proceedings in Ontario, including consultations, rate cases, and other processes and hearings, and has been found eligible to be paid its reasonably incurred costs in all of those proceedings.

Issues to be Addressed

4. SEC's intended participation will focus on the following:
 - a. Ensuring school have the opportunity to access to a range of energy sources on appropriate and reasonable terms;
 - b. Unique approvals requested in this application for a utility that has yet to be incorporated;
 - c. Requested pre-approval of cost consequences of long-term upstream contract Nipigon LNG LP;
 - d. All other issues raised in the application; and
 - e. Generally to represent the interests of school boards and their students in this process.

The Intervenor's Intended Participation

5. SEC intends to participate in any pre-hearing procedures, including interrogatories or technical conferences, and settlement conferences. SEC also intends to participate in any oral hearing of this matter, and in written or oral submissions, as well as any other parts of the process that the Board should order.

Nature of Hearing Requested

6. Until interrogatories have been answered, we believe it is premature to assess whether a written or an oral hearing is more appropriate in this proceeding.

Counsel/Representative

7. SEC requests that a copy of all documents filed with the Board by each party to this proceeding be served on the intervenor, and on the intervenor's counsel, as follows:
 - a. School Energy Coalition: (electronic copies only)

ONTARIO EDUCATION SERVICES CORPORATION
c/o Ontario Public School Boards Association
439 University Avenue, 18th Floor
Toronto, ON
M5G 1Y8

Attn: Wayne McNally, SEC Coordinator
Phone: 416-340-2540
Fax: 416-340-7571
Email: wayne.mcnally@oesc-cseo.org

- b. SEC's counsel: (**electronic copies only**)

SHEPHERD RUBENSTEIN PROFESSIONAL CORPORATION
2200 Yonge Street, Suite 1302
Toronto, Ontario, M4S 2C6

Attn: Mark Rubenstein
Phone: 647-483-0113
Fax: 416-483-3305
Email: mark@shepherdrubenstein.com

with an electronic copy to:

Attn: Jay Shepherd

Phone: 416-804-2767

Email: jay@shepherdrubenstein.com

Respectfully submitted on behalf of the School Energy Coalition this October 10, 2019.

Original signed by

Mark Rubenstein
Counsel for the School Energy Coalition