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December 23, 2019
Our File No. 71091

Ontario Energy Board
23 Yonge Street, Suite 2700
Toronto, ON M4P 1E4

Attention: Christine E. Long, Board Secretary

Dear Ms. Long,

**Re: Potential Projects to Expand Access to Natural Gas Distribution
Request to Participate and Cost Award Eligibility EB-2019-0255**

The law firm of Weiler, Maloney, Nelson has been retained as external counsel for the following parties with respect to the above noted matter:

- the Thunder Bay Chamber of Commerce (“TBCOC”) on behalf of,
- the Chambers of Commerce of Northwestern Ontario (“COCNW”);

(collectively the “NWCOC Coalition”).

We advise the Ontario Energy Board (“OEB”) that our clients accept the invitation in their letter dated December 19, 2019, to interested parties to comment on the Draft Guidelines for Potential Projects to Expand Access to Natural Gas Distribution.

Accordingly we write this letter to indicate our clients’ intent to participate by filing this letter with the OEB by December 23, 2019, and seek eligibility for costs in accordance with your *Practice Direction on Cost Awards*.

Background

NWCOC:

NWCOC represents over 2,000 commercial and business consumers in the Northwest Region, primarily small business, in their capacity as ratepayers (and in the case of those businesses located in communities that do not yet have access to natural gas, prospective future ratepayers)

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of regulated services. NWCOC covers a large geographical area that includes every Chamber of Commerce from Marathon to the Manitoba border.

Substantial Interest

NWCOC has a substantial interest in this consultation because it:

1. represents the member businesses of the individual Chambers of Commerce throughout the Northwest Region;
2. understands and can speak to the direct interests of the industrial, business, commercial and residential ratepayers (and in the case of those businesses located in communities that do not yet have access to natural gas, prospective future ratepayers) throughout the Northwest Region (population approximately 250,000);
3. membership will be directly impacted by:
 - a. the creation of new mechanisms, or revisions to existing tests, such as these Guidelines, with respect to cost recovery mechanisms for the expansion of natural gas service in rural and remote Ontario communities; and
 - b. the reduction of barriers to natural gas expansion, generally;
4. is keenly aware of the short, medium, and long terms issues with respect to transmission and distribution of natural gas its members face in the Northwest Region, and as such can provide important and unique perspectives of ratepayers (and in the case of those businesses located in communities that do not yet have access to natural gas, prospective future ratepayers) in relation to cost recovery of expansion of Ontario's natural gas service, specifically:
 - a. the effect of the proposed Guidelines on the expansion of Ontario's natural gas service on its members generally, the growth (or lack thereof) of their businesses; and
 - b. the impact on future economic development in the Northwest Region, particularly in mining and forestry sectors;
5. is interested in ensuring that Guidelines relating to expansion of natural gas in the Northwest region are appropriately developed and that the proposed mechanisms or revisions to existing tests appropriately reflect and consider issues specific to the Northwest Region; and
6. is in a position to provide the OEB clearly defined consumer needs with respect to Guidelines relating to expansion of natural gas service and wishes to ensure the needs of current and future members are considered.

Collaboration

The above noted members of the NWCOC Coalition have agreed to co-operate in making submission to the OEB with respect to the above noted consultation and have authorized Weiler, Maloney, Nelson, to make submission in the common interest of all of them.

The members of the NWCOC Coalition will collaborate, represented by Weiler, Maloney, Nelson, to provide their collective evidence, submissions and arguments in relation to not only issues related to draft Guidelines for expansion of natural gas service to Ontario, but also to environmental and other social imperatives, including but not limited to social imperatives that are peculiar to the geographical, economic and commercial needs of the Northwest Region.

Cost Awards

TBCOC will, individually, seek designation as persons, under Section 30 of the *Ontario Energy Board Act, 1998*, eligible to receive costs. The basis for the designation would be the representative nature of the TBCOC in the Northwest Region itself and the indicated collaboration that the NWCOC Coalition. Each of TBCOC and NWCOC represent the direct interests of consumers, as ratepayers (and in the case of businesses located in communities that do not yet have access to natural gas, prospective future ratepayers), in relation to regulated services, and each can offer important and unique perspectives to the OEB.

The businesses forming the membership of NWCOC are not individually ineligible by reason of any of the criteria contained in section 3.05 of the *Practice Direction on Cost Awards*.

In addition, both TBCOC and NWCOC represent an interest or policy perspective relevant to the Board's mandate and to this Proceeding.

NWCOC represents the direct interest of ratepayers (and in the case of those businesses located in communities that do not yet have access to natural gas, prospective future ratepayers), especially the small businesses, throughout the Northwest Region. Guidelines for expansion of natural gas (or the lack thereof) impact those ratepayers (or prospective ratepayers, as the case may be) whose livelihood depends typically on a single industrial employer in a town.

NWCOC represents a public interest in seeking to ensure Guidelines for expansion of the natural gas in Ontario positively impacts existing and future businesses, consumers, and ratepayers (and in the case of businesses located in communities that do not yet have access to natural gas, prospective future ratepayers) in the Northwest Region and the industries that they supply with goods and services.

NWCOC can offer clearly defined consumer needs to the OEB in relation to whether Guidelines for expansion of the natural gas in Ontario reflect the specific geographic, economic and social issues effecting ratepayers (and in the case of businesses located in communities that do not yet have access to natural gas, prospective future ratepayers), consumers and businesses in the Northwest Region. The cost recovery mechanisms that will be developed and contemplated in

this proceeding for expansion of the natural gas in Ontario will impact those ratepayers (and prospective future ratepayers, as the case may be), consumers and businesses that are often dependent for their livelihood on a single industrial employer in a town, and now depend also on mineral exploration programs in the Northwest Region.

NWCOC and their members, are or represent persons with a significant interest in land that is or may be affected by the development of Guidelines for expansion of natural gas in Ontario (in particular the Northwest). That interest in some instances may be a private interest, but in every case it is a public interest.

Spokesperson for the NWCOC Coalition

- Nicola A. Melchiorre, Partner in the firm of Weiler, Maloney, Nelson (called to the Bar in 2004, licenced by the Law Society of Upper Canada to practice law in Ontario).

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- Mark P. Mikulasik, associate in the firm of Weiler, Maloney, Nelson (called to the Bar in 2013, licenced by the Law Society of Upper Canada to practice law in Ontario).

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Yours very truly,

WEILER, MALONEY, NELSON

Per:



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