



Ontario  
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**BY E-MAIL**

January 22, 2020

Mr. John Lawford,  
Public Interest Advocacy Centre,  
2-285 McLeod Street,  
Ottawa, ON K2P 1A1  
[jlawford@piac.ca](mailto:jlawford@piac.ca)

And,

Mark Danelon  
E.L.K. Energy Inc.  
172 Forest Ave  
Essex ON N8M 3E4  
[mdanelon@elkenegy.com](mailto:mdanelon@elkenegy.com)

Dear Mr. Lawford and Mr. Danelon:

**Re: Vulnerable Energy Consumers Coalition (VECC) - Request for intervenor status  
E.L.K Energy Inc. Application for 2020 Rates  
Ontario Energy Board File Number: EB-2019-0029**

This letter is in response to VECC's request for intervenor status and cost eligibility in E.L.K. Energy Inc.'s (E.L.K. Energy) application for 2020 Rates. VECC's request was received by the Ontario Energy Board (OEB) on January 13, 2020, after the deadline of December 16, 2019 (as set out in E.L.K. Energy's Notice of Application), had passed. VECC stated that the deadline was missed inadvertently due to the holiday period. VECC also stated that if approved as an intervenor, it would follow the schedule set out Procedural Order No. 1 and file interrogatories by January 16, 2020.

On January 17, 2020, the OEB issued a letter setting out the timelines for the filing of submissions in relation to VECC's request.

By letter dated January 20, 2020, E.L.K. Energy noted that VECC's request was filed significantly late and in order to protect the best interests of ELK customers, VECC's request for intervention status and cost eligibility should be denied.

On January 22, 2020, VECC filed its reply submissions. VECC submitted that the OEB should grant its request because its participation and scrutiny of E.L.K. Energy's application is in the interests of E.L.K. Energy's customers. Specifically, VECC noted that it was concerned by the over 300 basis points increase in Return on Equity in 2014 and again in 2018. VECC also noted that it was prepared to work with OEB staff interrogatories and proposed to ask only two additional interrogatories.

The OEB is satisfied that VECC has a "substantial interest" in this proceeding, within the meaning of Rule 22.02 of OEB's *Rules of Practice and Procedure*. VECC would be the only ratepayer group participating in this application.

In accordance with Rule 7, the OEB accepts VECC's late intervention request. The OEB finds that the length of the delay was not inordinate and that VECC has provided a reasonable explanation for the delay. VECC agreed that it will work with the interrogatories already filed by OEB staff. VECC requested that it be allowed to ask two additional interrogatories which it included in its reply submission. As a result, the inclusion of VECC as an intervenor will not cause serious prejudice to the applicant such that a fair hearing will not be possible.

VECC is also eligible to apply for an award of costs pursuant to the Practice Direction on Cost Awards.

In addition, the OEB requires that E.L.K. Energy provide complete responses to the interrogatories noted by VECC in its reply submission, dated, January 22, 2020.

Yours truly,

*Original signed by*

Christine E. Long  
Registrar and Board Secretary