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Delivered by Email &RESS

Ms. Christine Long, Registrar and Board Secretary
Ontario Energy Board
P.O.Box 2319, 27th Floor
2300 Yonge Street
Toronto, ON M4P 1E4

Dear Ms. Long:

**Re: Waterloo North Hydro Inc. 2021 Cost of Service Application
("Application")
Objection to Environmental Defence's Notice of Intervention
EB-2020-0059**

We are counsel to Waterloo North Hydro Inc. ("WNH") in respect of the above noted matter. We are writing to object to the late Notice of Intervention filed by counsel to Environmental Defence ("ED") on August 24, 2020.

(a) Objection to the notice of intervention

Procedural Order No. 1 has already been issued and ED has not indicated in its Notice of Intervention that it will comply with the timelines set out in that Procedural Order.

In addition, ED has failed to demonstrate that it has a substantial interest in the proceeding and it failed to demonstrate that it represents the interests of customers of WNH who would be directly affected by the outcome of this proceeding.

Section C of the Notice of Intervention describes types of programs and activities that ED carries out:

"Environmental Defence has been highly successful in its public interest advocacy on energy issues. Environmental Defence's environmental work, on issues ranging from toxic chemicals to clean beaches, has led to concrete improvements in the lives of Canadians.

[...]

Environmental Defence is also the coordinator of Blue Flag Canada, which certifies beaches so that Ontario families can enjoy this public resource.

[...]

Environmental Defence also publishes reports and guides in the area of energy conservation, efficiency, and policy.”

Based on the information provided by ED in its Notice of Intervention, ED’s mandate is environmental protection. It is unclear to WNH the basis of any claim that ED represents customer(s) of WNH that would be directly affected by the outcome of this proceeding. No directly affected customers have been identified by ED.

The issues identified in ED’s Notice of Intervention (losses, cost allocation, standby charge, non-wires alternatives, electric vehicles and fuel switching) are generic policy matters common to all distribution rate applications. ED has provided no specific details with regards to the issues at play in the specific Application filed before the Ontario Energy Board (the “**Board**”).

WNH submits that any of the issues identified by ED would be better addressed by:

- (i) the already approved intervenor groups (Consumers Council of Canada, Energy Probe Research Foundation, Hydro One Networks Inc., School Energy Coalition and Vulnerable Energy Consumers Coalition), which do represent the direct interest of customers of WNH; and
- (ii) on a generic basis by the Board for the entire industry to the extent there are generic policy issues that extend beyond WNH’s geographic service area.

(b) Objection to the request for cost eligibility

WNH also objects to ED’s request for cost eligibility under the Board’s *Practice Direction on Cost Awards* (“**Practice Direction**”).

The burden for establishing eligibility for a cost award is on the party applying for a cost award. ED has failed to discharge this burden in its Notice of Intervention.

WNH is not a large utility. It is a municipally owned electricity distribution company that provides electricity distribution and related services to approximately 58,000 residential and commercial customers within the City of Waterloo, the Township of Woolwich and the Township of Wellesley. Any costs awards granted in this Application are funded by this small group of customers.

Based on the information available, WNH submits that ED does not represent the direct interests of electricity distribution ratepayers with regards to the services offered by WNH and the Application and therefore ED does not meet the Board’s cost eligibility requirement under section 3.03(a) of the Practice Direction.

In addition, it is also not clear from the Notice of Intervention whether or not the members of ED would themselves be eligible or ineligible for a cost award in accordance with Section 3.04(a) of the Practice Direction.

Yours very truly,

BORDEN LADNER GERVAIS LLP

Per:

Flora Ho

Flora Ho

cc: Alyson Conrad, Waterloo North Hydro Inc.
Jack Gibbons, Ontario Clean Air Alliance
Kent Elson, Elson Advocacy
Intervenors in EB-2020-0059