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BY EMAIL

September 4, 2020

Kent Elson
Counsel
c/o Environmental Defence
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Dear Mr. Elson:

**Re: Waterloo North Hydro Inc. (Waterloo North Hydro)
Late Intervention Request from Environmental Defence
Ontario Energy Board (OEB) File Number: EB-2020-0059**

On July 20, 2020 the OEB issued its Notice of Hearing (Notice) for Waterloo North Hydro. The Notice set out a deadline of August 10, 2020, for interested participants to apply for intervenor status and cost eligibility in the proceeding.

On August 24, 2020, Environmental Defence filed a late intervention request and noted it only became aware of the proceeding on August 21, 2020. In its letter of intervention, Environmental Defence noted that it is a “leading environmental organization that represents both the public interest in environmental protection and the interests of consumers whose energy bills can be reduced through appropriate rate design, integrated resource planning, distributed energy resources, increased energy efficiency, reduced transmission losses, and other means.” With respect to its specific interest in this proceeding, Environmental Defence stated that its issues of interest pertain to reduction of line losses, allocation of fixed and variable charges, standby charges, consideration of non-wires alternatives, introduction of electric vehicles and fuel switching.

On August 25, 2020, Waterloo North Hydro filed an objection to Environmental Defence’s request for intervenor status and cost eligibility. Waterloo North Hydro noted that given Environmental Defence’s mandate of environmental protection it was unclear how the direct interests of Waterloo North Hydro customers were represented. Waterloo North Hydro further noted that the generic issues raised by Environmental Defence

would be better addressed by the already approved intervenors and/or through generic proceedings. With respect to Environmental Defence's request for cost eligibility, Waterloo North Hydro stated that Environmental Defence had failed to meet the OEB's cost eligibility criteria under sections 3.03(a) and 3.04(a) of the *OEB's Practice Direction on Cost Awards (Practice Direction)*.

Environmental Defence filed its reply to Waterloo North's objection on the same date. Environmental Defence noted that it has previously qualified for cost awards and submitted that cost award eligibility is not restricted to ratepayer groups only and that Environmental Defence qualifies for costs under s.3.03(b) of the *Practice Direction*. With respect to its interest in this proceeding, Environmental Defence noted that its issues are relevant and have been on the Issues List in other rate applications.

The OEB is satisfied that the Environmental Defence has a "substantial interest" in this proceeding within the meaning of Rule 22.02 of the OEB's Rules of Practice and Procedure. However, the OEB notes that the scope of the issues in the proceeding will be determined by the OEB Panel and Environmental Defence is required to structure its participation accordingly. Environmental Defence shall accept the record of the proceeding as it stands and is required to comply with the schedule set out in Procedural Order no. 1, dated August 24, 2020.

Environmental Defence is eligible to apply for cost awards pursuant to the OEB's *Practice Direction*. Cost eligible intervenors should be aware that being eligible to apply for recovery of costs is not a guarantee of recovery of any costs claimed and that cost awards are made by way of OEB order at the end of a hearing.

Yours truly,

Original signed by

Christine E. Long
Registrar and Board Secretary

c: All Parties