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BY EMAIL

December 14, 2020

John Lawford  
Consultant  
Vulnerable Energy Consumer Coalition  
2-285 McLeod Street  
Ottawa On K2P 1A1

Dear Mr. Lawford:

**Re: Niagara-on-the-Lake Hydro Inc. (Niagara-on-the -Lake Hydro)**  
**Application for 2021 Rates**  
**OEB File Number: EB-2020-0042**

This letter is in response to your letter dated December 3, 2020, requesting intervenor status and cost eligibility, on behalf of the Vulnerable Energy Consumers Coalition (VECC) in the above referenced application. VECC's interest in this proceeding relates to Niagara-on-the-Lake Hydro's request for a "rate change in the context of its 2019 earnings". VECC's request was filed after the deadline of November 9, 2020. VECC stated that the delay in applying for status was because it had inadvertently missed the Notice of hearing (Notice) and that although its request was late, it was not requesting a change to the case schedule set out in Procedural Order No. 1.

While Niagara-on-the-Lake Hydro did not object to VECC's specific interest in this proceeding, it objected to the lateness of VECC's request. Niagara-on-the-Lake Hydro noted that it had served the Notice on VECC's representative in the previous cost of service application on October 26, 2020, and that an intervention request after a delay of a month was not appropriate. Niagara-on-the-Lake Hydro also noted that it did not object to the lateness of the request, if it was determined that VECC's representative had not forwarded the Notice to VECC.

On December 4, 2020, VECC filed its letter in response to Niagara-on-the-Lake's objection. VECC confirmed that it had not received the Notice and clarified that those individuals who represent it in OEB applications are not employees of VECC or the Public Interest Advocacy Centre but are independent consultants who are retained by VECC. VECC referenced its intervention letter in Niagara-on-the-Lake's previous cost of

serve proceeding and stated that the Notice should have been served on the agent authorized to receive documents, rather than on the independent consultant that represented VECC in that application.

The OEB is satisfied that VECC has a substantial interest in this proceeding within the meaning of Rule 22.02 of the OEB's *Rules of Practice and Procedures*. VECC is also eligible to apply for an award of costs under the OEB's *Practice Direction on Cost Awards*. VECC shall accept the record of proceeding as it stands and is reminded that pursuant to Procedural Order No. 1, interrogatories on Niagara-on-the Lake's evidence are due by Jan 4, 2021.

With respect to the timing of VECC's request, the OEB expects all parties to adhere to the procedural timelines that are set out by the OEB. However, in this case, the delay in applying for status arose because VECC did not receive the Notice on time. Once VECC became aware of the Notice, it immediately applied for intervenor status. VECC is not requesting a change to the established case schedule on account of the delay.

Please direct any questions relating to this application to Kelli Benincasa, at [Kelli.Benincasa@oeb.ca](mailto:Kelli.Benincasa@oeb.ca)

Yours truly,

*Original Signed By*

Christine E. Long  
Registrar

c: NOTL - Tim Curtis - [tcurtis@notlhydro.com](mailto:tcurtis@notlhydro.com)