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File: 5152

Sent by Courier and Electronic Mail

July 25, 2008

Ontario Energy Board
P.O. Box 2319
2300 Yonge Street, 27th Floor
Toronto, ON M4P 1E4

Attention: Ms. Kirsten Walli, Board Secretary

Dear Ms. Walli:

**Re: Intervention and Cost Eligibility Request on behalf of the
Low-Income Energy Network
Board File No. EB-2008-0150
Consultation on Energy Issues Relating to Low-Income Consumers**

Willms & Shier Environmental Lawyers LLP (W+SEL) is environmental legal counsel to the Low-Income Energy Network (LIEN).

REQUEST FOR INTERVENTION

In accordance with section 23 of the Ontario Energy Board ("Board") *Rules of Practice and Procedure*, we hereby request Intervenor status on behalf of LIEN in the above-noted consultation on energy issues relating to low-income consumers.

INTEREST IN PROCEEDING AND GROUNDS FOR INTERVENTION

LIEN is an organization of more than 75 member associations from across Ontario, including, energy, public health, legal, tenant/housing, education and social and community organizations. LIEN is directed by a Steering Committee. In addition to the Steering Committee and Members and Supporting Organizations, over 35 individuals have also indicated their support for LIEN.

As an umbrella organization, LIEN offers the opportunity for one entity to represent the similar interests of many organizations that have come together under LIEN. A description of its organization in greater detail can be found on its website (www.lowincomeenergy.ca). LIEN is a well recognized Intervenor in other Board proceedings, especially those concerning the issue of Rates.



Furthermore, as a party to the Divisional Court decision *Low-Income Energy Network v. Ontario Energy Board*¹, which established that the Board has jurisdiction to consider rate affordability, LIEN has an ongoing interest in the Board's resolution of any issues regarding low-income consumers.

LIEN's "mission statement" is in itself a statement of LIEN's interest in this proceeding.

"The Low-Income Energy Network:

- ♦ *aims to ensure universal access to adequate, affordable energy as a basic necessity, while minimizing the impacts on health and on the local and global environment of meeting the essential energy conservation needs of all Ontarians, and*
- ♦ *promotes programs and policies which tackle the problems of energy poverty and homelessness, reduce Ontarians' contribution to smog and climate change, and promote a healthy economy through the more efficient use of energy, a transition to renewable sources of energy, education and consumer protection."*

LIEN intends to participate actively and responsibly throughout the proceeding.

NATURE AND SCOPE OF INTERVENTION

LIEN submits that Board should now exercise its jurisdiction to establish rate affordability strategies and programs for low-income consumers.

LIEN is developing a list of issues/questions on rate affordability and other energy issues relating to Low Income Consumers for the stakeholder conference in September 2008.

A first draft of that list is attached to this letter to assist Board Staff in preparing its own draft list of questions and issues for that conference.

REQUEST FOR ORAL HEARING

Given the complexity of the subject matter, LIEN requests that this matter be dealt with by way of oral hearing by the Board.

COSTS

LIEN requests that the Board find it eligible for costs under section 3.03(a) of the Board's *Practice Direction on Cost Awards*. LIEN "primarily represents the direct interests of consumers in relation to regulated services", in particular, low-income consumers. LIEN

¹ (16 May 2008), Ont. Sup. Ct. (Div. Ct.), Court File No. 273/07



has been accepted as a party eligible for an award of costs in other proceedings before the Board.

As a not-for profit organization, LIEN's participation in this proceeding is dependent on any cost awards it receives. LIEN intends to coordinate its efforts with other intervenors to avoid duplication where possible.

The names of any analysts or consultants that LIEN retains will be forwarded once finalized.

LIEN respectfully requests an early determination by the Board that it is eligible for an award of costs in this proceeding.

CONTACT INFORMATION

LIEN requests that copies of written materials in electronic or other format concerning this proceeding, be sent to:

Willms & Shier Environmental Lawyers LLP
4 King Street West, Suite 900
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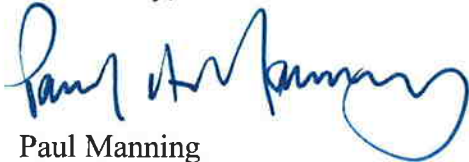
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Yours truly,



Paul Manning

Encl.

cc: LIEN

LIEN's preliminary list of interests and issues
OEB's Consultation on Energy Issues Relating to Low Income Consumers
(Board File No: EB-2008-0150)

- Energy rate affordability program for low-income consumers
- Conservation and demand-side management programs for low-income consumers, that, to the greatest extent possible, reduce the energy use and bills of low-income consumers in social housing, private multi-residential and private single-family residences
- Fuel switching (switching residential heating and appliances from electricity to gas, where appropriate) for low-income consumers
- Equal billing plans for low-income consumers
- Crisis intervention assistance (currently provided through provincial Emergency Energy Fund)
- Exemption for low-income consumers from security deposit requirements
- Affordable repayment plans and forgiveness of past due bills (arrearage management)
- Waiving of late payment fees for low-income consumers
- Waiving of disconnection and reconnection fees in order to restore utility service
- Disconnection policies and procedures that maximize opportunities for low-income consumers facing service termination due to arrears to access emergency energy funds to prevent disconnection and/or restore service
- Disconnection moratoria for low-income households and households where infants, persons over 65 years of age, seriously ill/medically fragile persons reside – disconnection moratoria can be date-based (seasonal – heating and cooling), temperature-based (heat waves), medical-based, and age-based
- For smart sub-metered low-income households, protections and access to all low-income energy conservation/assistance programs and low-income utility programs